

2008 LEGISLATION WITH COURT IMPACT

<p style="text-align: center;">Chapter 3</p> <p style="text-align: center;">HB2486</p> <p style="text-align: center;">Effective Date General</p>	<p>PROHIBITED POSSESSORS; UNDOCUMENTED ALIENS</p> <p>Rep. Jim Weiers</p>
<p>Item of interest to:</p>	<p>The definition of "prohibited possessor" is modified by removing the federal citation and replacing it with language from the previously cited federal law. The new definition specifically:</p> <ul style="list-style-type: none"> • Includes an undocumented alien or a nonimmigrant alien, regardless of documentation, who is in Arizona for business, studying, or pleasure while maintaining a foreign residence abroad, and • Excludes: <ul style="list-style-type: none"> ○ Nonimmigrant aliens possessing a valid hunting license issued within the United States ○ Certain diplomats and officials of foreign governments ○ Distinguished foreign visitors designated by the Department of State ○ Nonimmigrant aliens entering the United States to display firearms at a trade show sponsored by a firearms trade organization ○ Persons who have received a waiver from the United States Attorney General <p>Statute Amended: A.R.S. §13-3101</p> <p>Court Impact: Modifies the definition of "prohibited possessors."</p>
<p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge</p>	
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	
<p>Administrative Office of the Courts</p>	
<p style="text-align: center;">Chapter 6</p> <p style="text-align: center;">SB1011</p> <p style="text-align: center;">Effective Date General</p>	<p>RESIDENCY RESTRICTIONS; SCHOOLS; CHILD CARE</p> <p>Sen. Tibshraeny</p>
<p>Item of interest to:</p>	<p>The list of persons prohibited from living within 1,000 feet of a school or child care facility is expanded to include those convicted of a crime in another jurisdiction that would be considered a dangerous crime against children in Arizona. The measurement of the distance is required to be made in a straight line between the nearest points on the property lines.</p> <p>Statute Amended: A.R.S. §13-3727</p> <p>Court Impact: Prohibits persons convicted of a dangerous crime against children in another jurisdiction as defined by Arizona law from living within 1,000 feet of a school or child care facility. The measurement shall be in a straight line in all directions from the nearest point on the resident parcel to the nearest point on the parcel containing the school or child care facility. The violation is a class 1 misdemeanor.</p>
<p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge</p>	
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	
<p>Municipal Court: Court Administrator</p>	

<p>Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	
<p>Chapter 7</p> <p>SB1013</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p> <p>Administrative Office of the Courts</p>	<p>ARREST WARRANTS; CHILD SUPPORT; FIDUCIARY Sen. Chuck Gray</p> <p>The provision allowing a facsimile of a judicial officer's signature on a fiduciary arrest warrant or child support arrest warrant to be deemed the authorized signature of that officer is deleted. The bill is intended to expand the ability of courts to use e-signatures and not be limited to an original or copy of a written signature.</p> <p>Statute Amended: A.R.S. §14-5701, 25-681</p> <p>Court Impact: Removes the requirement for a facsimile of the judge's signature on a fiduciary or child support arrest warrant.</p>
<p>Chapter 8</p> <p>SB1018</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	<p>WRIT OF RESTITUTION; JUDGMENT Sen. Chuck Gray</p> <p>A.R.S. § 12-1178 is amended to specifically state it is applicable to forcible entry and detainer.</p> <p>Statute Amended: A.R.S. §12-1178</p> <p>Court Impact: Technical addition of forcible entry and detainer or forcible detainer to A.R.S. §12-1178.</p>
<p>Chapter 9</p> <p>SB1021</p> <p>Effective Date</p>	<p>COMMUNITY NOTIFICATION Sen. Chuck Gray</p> <p>A conforming change to A.R.S. §13-923 granting the court authority to</p>

<p>General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>continue, defer, or terminate community notification for a sex offender under the age of 22 who committed the act resulting in notification before age 18. This is a cleanup from last year's juvenile sex offender bill (SB 1628) and is not intended to have any substantive effect.</p> <p>Statute Amended: A.R.S. §13-3825</p> <p>Court Impact: Technical correction from last years SB1628.</p>
<p>Chapter 18</p> <p>HB2003</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>TRAFFIC SURVIVAL SCHOOL; MAXIMUM ENROLLMENT REP. Rep. Reagan</p> <p>All traffic survival school classes (not defensive driving school classes) are limited to the lawful fire safety capacity of the facility in which the class meets.</p> <p>Statute amended: A.R.S. § 28-3307</p> <p>Court Impact: Informational, limits class size of traffic survival school classes to the lawful fire safety capacity of the facility in which the class meets.</p>
<p>Chapter 24</p> <p>SB1067</p> <p>Effective Date General</p> <p>Item of interest to:</p>	<p>ESCAPE; DEFINITION Sen. Chuck Gray</p> <p>Defines escape as:</p> <ul style="list-style-type: none"> • A departure from custody or from a juvenile secure care facility, a juvenile detention facility or an adult correctional facility in which the person is held or detained, with knowledge that the

<p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge</p>	<p>departure is not permitted, or the failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period.</p> <ul style="list-style-type: none"> • A failure to report as ordered to custody or detention to begin serving a term of incarceration.
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	<p>The time a person spends on escape status is excluded from the look-back period for purposes of determining an historical prior felony conviction. A conflicting enactment from the 2007 session related to enhanced sentences for felony gang offenses is corrected.</p>
<p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p>	<p>Statutes amended: A.R.S. §13-604, 13-4062, 31-412, 41-1604.11, 41-1604.13 Statute repealed: A.R.S. §13-604 as amended by Chapter 287, Laws 2007</p>
<p>Administrative Office of the Courts</p>	<p>Court Impact: Defines escape and excludes time on "escape" from the look back period for purposes of prior felony convictions.</p>
<p>Chapter 25 SB1068 Effective Date General</p>	<p style="text-align: center;">RELATING TO CRIMINAL APPEALS Sen. Chuck Gray</p> <p>Prohibits a defendant from appealing a final judgment of conviction, verdict of guilty except insane or an order denying a motion for a new trial if the defendant's absence prevents sentencing from occurring within 90 days of the conviction and the defendant fails to prove by clear and convincing evidence that the absence was involuntary.</p>
<p>Item of interest to:</p>	
<p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge Jury Commissioner/Manager</p>	<p>Statutes amended: A.R.S. § 13-4033</p> <p>Court Impact: Prohibits a defendant's appeal from a final judgment of a conviction or verdict of guilty except insane or an order denying a motion for a new trial if the defendant's absence prevents sentencing from occurring within 90 days of the conviction. In order to retain the right to appeal the defendant must prove to the court by clear and convincing evidence that absence at time of sentencing was involuntary.</p>
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	
<p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p>	
<p>Administrative Office of the Courts</p>	
<p>Chapter 37 HB2251</p>	<p style="text-align: center;">GAME AND FISH OMNIBUS Rep. Weiers</p> <p>In pertinent part, renumbers A.R.S. §17-362(B) to §17-362(C) and §17-</p>

<p>Effective Date Delayed 01/01/2009</p> <p>Item of interest to:</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>362(C) to §17-362(D). These statutes relate to penalties for a person acting as a guide without the proper license required by the Arizona Game and Fish Department.</p> <p>Statute amended: A.R.S. § 17-362(B) & (C) as 17-362© & (D)</p> <p>Court Impact: Courts should be aware of the effect of this bill that makes technical changes renumbering A.R.S. § 17-362(B) & (C) as A.R.S. § 17-362 (C) & (D), class 2 misdemeanors. The change requires courts to update their automation system.</p>
<p>Chapter 39</p> <p>HB2488</p> <p>Effective Date Delayed 01/01/2009</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator Judge</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">CERTIFIED DEFENSIVE DRIVING SCHOOLS; NOTICE Rep. Jim Weiers</p> <p>The court's prerogative to contract with a primary defensive driving school provider is eliminated. The court is prohibited from promoting or favoring a particular defensive driving school.</p> <p>A violator may attend any defensive driving school that complies with the court's automation and reporting requirements. A violator may attend another Supreme Court certified defensive driving school on application to the court if the violator shows that attending any of the defensive driving schools that comply with the court automation and reporting requirements creates a hardship.</p> <p>A law enforcement officer or a jurisdiction issuing a civil traffic citation must provide notice to the violator that the person may attend any of the Supreme Court certified driving schools, if eligible.</p> <p>Statute amended: A.R.S. § 28-3393</p> <p>Court Impact: A.R.S. 28-3393 is amended to remove the courts ability to contract with specific driving schools as primary providers. Allows that an eligible defendant who elects to attend DDS may attend any school that is certified by the Supreme Court and complies with the courts automation requirements. The citing officer must give the defendant notice that they may attend DDS and a court may not promote particular DDS providers over other certified schools. New codes for the Arizona of Judicial Administration have been drafted for comment to implement with the changes.</p>
<p>Chapter 40</p>	<p style="text-align: center;">LAW ENFORCEMENT OFFICER; DEFINITION; REPRESENTATION</p>

<p>SB1057</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief probation Officer Court Administrator Judge</p> <p>Justice Court: Court Administrator</p> <p>Municipal Court: Court Administrator</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">Sen. Chuck Gray</p> <p>“Probationary employee” is removed from the definition of probation, correction, and detention officers for purposes of rights associated with disciplinary actions. The bill is designed to ensure probationary employees do not enjoy the same rights under the statute as permanent employees in internal investigations.</p> <p>Statute amended: A.R.S. § 38-1101</p> <p>Court Impact: Excludes probationary "Probation officer" employed by this state or a political subdivision of this state from the rights granted to permanent employees.</p>
<p>Chapter 45</p> <p>HB2426</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge Jury Commissioner/Manager</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">WASTE TIRE COLLECTION SITES Rep. Barnes</p> <p>In pertinent part, makes the storage of 100 or more used motor vehicle tires outdoors without prior registration of the storage site with the Arizona Department of Environmental Quality a Class 5 felony. Current owners of storage sites must register within 60 days of the effective date of the act.</p> <p>Statutes amended: A.R.S. §§ 36-601, 44-1303, 44-1304.01, 49-762, 49-762.01 and 49-762.02</p> <p>Court Impact: Courts should be aware of the effect of this bill that establishes new a class 5 felony for a failure to register a "Waste tire collection site." The change requires courts to update their automation system.</p> <p>Automation Impact: Adds 44-1304.01 (A)(8) as a class 5 felony for a failure to register a "Waste tire collection site"</p>
<p>Chapter 46</p> <p>HB2587</p>	<p style="text-align: center;">EXTENSION OF CREDIT; IDENTITY THEFT Rep. Robson</p> <p>A lender who does not use a consumer credit report in approving an</p>

<p>Effective Date General</p>	<p>application for an extension of credit is prohibited from lending money or extending credit unless the lender takes reasonable steps prior to extending credit or lending money to verify the consumer's identity and confirm that the application for extension of credit is not the result of an identity theft.</p>
<p>Item of interest to:</p>	<p>A lender who uses a consumer credit report in approving an application for an extension of credit is required to take reasonable steps to verify the consumer's identity and confirm that the application for extension of credit is not the result of identity theft if:</p>
<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p>	<ul style="list-style-type: none"> • The lender was notified that a police report was filed with a consumer reporting agency and that the applicant was a victim of identity theft, or • The creditor was notified that the applicant placed a fraud alert or security freeze on the applicant's credit report.
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	<p>If a consumer proves by a preponderance of evidence that an extender of credit extended credit without taking reasonable steps to verify the consumer's identity, it may be inferred that someone other than the consumer received the extension of credit.</p>
<p style="background-color: #e0ffe0;"> </p>	<p>A violation of A.R.S. §44-1698 (consumer credit reports; extension of credit; identity theft; security freeze; definition) constitutes an unlawful practice under A.R.S. §44-1522 (unlawful practices; intended interpretation of provisions), relating to consumer fraud, and is subject to enforcement by the Attorney General or through private action. Injunctive relief may be sought in order to prevent future violations of A.R.S. §44-1698. The remedies in the bill are not the only remedies available to a person whose identity was used to secure an extension of credit. Exclusions include increases in, changes to or reviews of existing open-end credit plans from qualifying as extensions of credit. Financial institutions that are required to have a customer identification program pursuant to federal regulation are exempted.</p>
<p>Administrative Office of the Courts</p>	<p>"Reasonable steps" is defined as any commercially reasonable action taken by an extender of credit that is intended to improve identity verification or confirmation or to lessen the likelihood of identity theft or aggravated identity theft.</p>
<p> </p>	<p>Statute created: A.R.S. § 44-1698</p> <p>Court Impact: Provides that if a consumer proves by a preponderance of evidence that an extender of credit extended credit without taking reasonable steps to verify the consumer's identity, it may be inferred that someone other than the consumer received the extension of credit.</p> <p>States that a violation of A.R.S. § 44-1698 constitutes an unlawful practice under A.R.S. §44-1522, relating to consumer fraud, and is subject to enforcement by the Attorney General or through private action.</p>

<p>Chapter 53</p> <p>HB2620</p> <p>Effective Date Emergency 4/18/2008</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator</p> <p>Municipal Court: Court Administrator</p> <p>Administrative Office of the Courts</p>	<p align="center">BUDGET; FISCAL YEAR 2007-2008 Rep. Boone</p> <p>The bill makes \$1.36 billion in adjustments to the previously enacted fiscal year (FY) 2008 budget. It transfers \$487 million from the Budget Stabilization Fund, reverts approximately \$296 million from various funds to the state general fund (GF), postpones a \$272 million payment to schools until FY 08-09 (K-12 rollover), and reduces state agency operating budgets by approximately \$309.7 million.</p> <p>In pertinent part, HB2620 permanently reduces the judiciary operating budget by \$1.1 million and transfers the following amounts to the state GF:</p> <ul style="list-style-type: none"> • Juvenile delinquent reduction fund- \$1,552,900 • Judicial collection enhancement fund- \$1,500,000 • Supreme Court CJEF disbursement fund- \$1,500,000 • Arizona lengthy trial fund- \$1,000,000. <p>Session Law - Budget</p> <p>Court Impact: Informational</p>
<p>Chapter 54</p> <p>SB1050</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Judge</p> <p>Administrative Office of the Courts</p>	<p align="center">COURT REPORTER CERTIFICATION Sen. Linda Gray</p> <p>The statutory requirement for certificates issued by the Board of Certified Court Reporters to be renewed every year is removed and instead allows the time frame for the expiration and renewal of certificates is to be set in Rule. The sunset date of the Board is repealed.</p> <p>Statute amended: A.R.S. §32-4023 Statute repealed: A.R.S. §32-4009</p> <p>Court Impact: Allows court reporter certification renewal and expiration to be set by Supreme Court Rule.</p>
<p>Chapter 63</p> <p>HB2276</p> <p>Effective Date General</p> <p>Item of interest to:</p>	<p align="center">CHILD SUPPORT; ARREARAGES Rep. Hershberger</p> <p>When calculating support arrearages not reduced to a final written money judgment, interest accrues only on the principal and not on the interest. Past support reduced to a final written money judgment before the effective date of the bill accrues interest at the rate of ten per cent annually beginning on entry of the judgment by the court and accrues interest only on the principal and not on interest. Past support reduced to</p>

<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p> <p>Administrative Office of the Courts</p>	<p>a final written money judgment after the bill goes into effect does not accrue interest for any time period.</p> <p>Any credit against support arrearages other than by court order may be made by waiver of support arrearages if a written affidavit is signed by the person entitled to receive the support or both parties to the support order.</p> <p>Statute amended: A.R.S. §25-510 Statute repealed: A.R.S. §25-515</p> <p>Court Impact: Amends A.R.S. § 25-510 to eliminate interest on past support judgments entered after the effective date.</p> <p>Also, clarifies that interest continues to accrue on arrearage judgments and on previously entered past support judgments and explains current law that interest does not accrue on interest. Repeals A.R.S. § 25-515, since its substance is incorporated in A.R.S. § 25-510.</p>
<p>Chapter 69</p> <p>SB1274</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator</p> <p>Administrative Office of the Courts</p>	<p>ACJC; COLD CASE INVESTIGATION PROTOCOL Sen. Huppenthal</p> <p>The Arizona Criminal Justice Commission (ACJC) is required to compile and distribute information on best practices for cold case investigations, including effective victim communication procedures. "Cold case" is defined as a homicide or a felony sexual assault that remains unsolved a year or more after being reported to a law enforcement agency and has no viable and unexplored investigative leads.</p> <p>Statute amended: A.R.S. § 41-2405</p> <p>Court Impact: Informational, provides a duty for ACJC to compile and distribute information on best practices for cold case investigations including effective communications with victims. Defines "Cold Case" as an unsolved case more than a year old after being reported to law enforcement involving a homicide or felony assault with no viable or unexplored investigative leads.</p>
<p>Chapter 75</p> <p>SB1456</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Judge</p>	<p>PUBLIC RECORDS; STORAGE Sen. Ron Gould</p> <p>The production or reproduction of public records on photography, film, microfiche, digital imaging or other electronic media is provided for, and the records are exempted from statutory size requirements. Source records that have been reproduced and safeguarded against loss may be destroyed after an administrative audit and upon approval by the Director of the Arizona State Library, Archives, and Public Records.</p> <p>Statutes amended: A.R.S. § 39-103, 41-1347 and 41-1348</p> <p>Court Impact: Information, court records are covered by the Arizona</p>

<p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>Code of Judicial Administration and court rule.</p>
<p>Chapter 76</p> <p>SB1022</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Clerk Judge Jury Commissioner/Manager</p> <p>Justice Court: Court Administrator Justice of the Peace Jury Commissioner/Manager</p> <p>Municipal Court: Court Administrator Judge/Magistrate Jury Commissioner/Manger</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">JURY FEES; TECHNICAL CORRECTION Sen. Chuck Gray</p> <p>An incorrect section number from the last year's jury bill (SB 1434) is corrected. The incorrect statute referenced was A.R.S. §21-211, the bill replaces it with a reference to §21-221 within §21-428 (costs and expenses; state grand jury)</p> <p>Statute amended: A.R.S. § 21-428</p> <p>Court Impact: Technical reference correction of SB 1434 from 2007 relating to Grand jury service.</p>
<p>Chapter 78</p> <p>SB1100</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court:</p>	<p style="text-align: center;">CPS SERVICES; COURT ORDER Sen. Landrum-Taylor</p> <p>Current restrictive language on a family court's authority to request or order services from the Division of Children and Family Services is replaced with more permissive language. The court, not the Department of Economic Security, must believe a child may be the victim of child abuse or neglect in order for services to be requested or ordered.</p> <p>Statute Amended: A.R.S. §25-403.03</p>

<p>Clerk of the Court Court Administrator Clerk Judge</p> <p>Administrative Office of the Courts</p>	<p>Court Impact: Removes the language in A.R.S. §25-403.03 that prohibited the court from ordering services for a child the court believed to be the victim of child abuse or neglect through the Department of Economic Security.</p>
<p>Chapter 80</p> <p>SB1174</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Judge</p> <p>Administrative Office of the Courts</p>	<p align="center">NOTARY PUBLIC; REGISTRATION Sen. Tibshraeny</p> <p>Specific administrative duties related to notaries are transferred from the clerk of the superior court to the Secretary of State (SOS). Notary public certification and oath & bond filing fees will be paid to the SOS instead of the clerk of the superior court. Current law distributes these fees based on county population. SB 1174 applies the distribution percentage currently in statute for counties with a population exceeding 500,000 persons to all counties, except that monies currently deposited into the county general fund are diverted into the Notary Bond Fund. The Notary Bond Fund is established to defray the cost of the SOS assuming the additional administrative duties related to notary certificates, oaths and bonds and the Fund is administered by the SOS. Contains a Prop 108 clause (two-thirds vote required for passage).</p> <p>Statutes amended: A.R.S. § 8-135, 8-550.01, 12-113, 12-135, 12-284, 12-305, 33-502, 36-3002, 38-233, 38-810, 41-126, 41-312, 41-315, 41-317, 41-322, 41-330, 41-2402 Statutes created: A.R.S. §41-178, 41-314 Statute repealed: A.R.S. §41-332</p> <p>Court Impact: Transfers responsibility for for filing the oath and bond of a notary public, for issuing a certificate as to official capacity of a notary public and affixing a seal to the certificate from the clerk of superior court to the secretary of state. Maintains the distribution of funds by the secretary of state in the same percentages to the alternative dispute resolution fund, the judicial collection enhancement fund, the confidential intermediary and fiduciary fund and child abuse prevention fund. The change requires superior court to update their fee schedule in their automation system.</p>
<p>Chapter 82</p> <p>SB1186</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court:</p>	<p align="center">JUDICIAL PERFORMANCE REVIEWS; COURT COMMISSIONERS Sen. Chuck Gray</p> <p>The Supreme Court is required by statute to establish a process through Rule for evaluating superior court commissioner performance in counties with populations of 250,000 or more. The Rule must include written performance standards and performance reviews that survey people who have knowledge of the superior court commissioner's performance.</p>

<p>Court Administrator Judge</p> <p>Administrative Office of the Courts</p>	<p>Public participation in the process through hearings and public dissemination of reports is required. The Supreme Court is required to publish and maintain current and previous evaluation reports on its website.</p> <p>Note that population is based upon the most recent decennial census (A.R.S. §1-215)</p> <p>Statute created: A.R.S. §12-119.04</p> <p>Court Impact: Requires the Supreme Court to establish a process through Rule for evaluating superior court commissioner performance in counties with a population of 250,000 or more. The process shall be adopted by Supreme Court Rule and will include written performance standards and performance reviews. The evaluations will be published on the Supreme Court website. Note that population is based upon the most recent decennial census (A.R.S. §1-215). Currently the only two counties which qualify are Maricopa and Pima Counties until the next census.</p>
<p>Chapter 96</p> <p>HB2123</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">LANDLORD CHARGES; UTILITIES Rep. McClure</p> <p>In pertinent part, a landlord who leases rental spaces for long-term storage of recreational vehicles may charge separately for gas, water, electricity, trash, and sewer services as permitted by statute. A tenant who believes a landlord is not in compliance with this section must provide written notice to the landlord regarding the alleged violation. If the dispute is not resolved within 30 days after the notice is received by the landlord, the tenant may file a civil complaint in justice court. The court must award the prevailing party court costs and reasonable attorney fees.</p> <p>Statute amended: A.R.S. § 33-2107</p> <p>Court Impact: Allows for a civil action in justice court resulting from a dispute between a landlord and a tenant involving billing for gas, water and electrical utilities. The court must award the prevailing party court costs and reasonable attorney fees.</p>
<p>Chapter 97</p> <p>HB2129</p> <p>Effective Date General</p> <p>Item of interest to:</p>	<p style="text-align: center;">INTERNET AGE MISREPRESENTATION Rep. Robson</p> <p>The crime of "Unlawful age misrepresentation", a Class 3 felony, is established. A person commits this offense by using an electronic communication device to knowingly misrepresent the person's age for the purpose of committing any sexual offense that would require registration as a sex offender. The person must be at least 18 years old and know or have reason to know that the recipient of the</p>

<p>Superior Court: Chief Probation Officer Clerk of the Court Court Administrator Clerk Judge</p>	<p>communication is a minor. The offense is added to the list of acts that require registration as a sex offender. It is not a defense to a prosecution if the recipient is not a minor. A police officer acting within the scope of the officer's authority and in the line of duty is exempted.</p>
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	<p>If the victim is under 15 years old, Unlawful age misrepresentation is classified and punishable as a Dangerous crime against children with the following sentences:</p>
<p>Administrative Office of the Courts</p>	<ul style="list-style-type: none"> • If the person has not been previously convicted of a predicate felony, the presumptive term is 10 years • If the person has been previously convicted of a predicate felony, the presumptive term is 15 years.
	<p>"Electronic communication device" is defined as any device that is capable of transmitting visual depictions and includes: computers, computer systems or network, and cellular or wireless telephones.</p>
	<p>Statutes amended: A.R.S. §§ 13-604.01, 13-3560, and 13-3821</p>
	<p>Court Impact: The change requires courts to update their automation system for the violation in A.R.S. § 13-3560(A) as a class 3 felony for unlawful age misrepresentation. The bill conflicts w/HB2480 chapter 219 which designates this same section as aggravating luring of a minor as a class 2 felony. Also, requires the clerk to notify the sheriff in that county of the conviction within ten days after entry of the judgment.</p>
<p>Chapter 101 HB2277 Effective Date General</p>	<p style="text-align: center;">CHILD SUPPORT; PRESUMPTIONS Rep. Hershberger</p> <p>A court is to presume that a custodial or non-custodial parent is capable of full-time employment at the applicable state or federal minimum wage, whichever is higher.</p>
<p>Item of interest to:</p>	<p>Statute amended: A.R.S. §25-320</p>
<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p>	<p>Court Impact: Amends the statute to permit the court, when establishing child support, to presume the obligor is capable of full-time employment at either the applicable state or federal minimum wage, whichever is higher. The current statute only required application of the federal minimum wage. This presumption does not apply to noncustodial parents who are under the age of eighteen and who are attending high school.</p>
<p>Administrative Office of the Courts</p>	
<p>Chapter 103 HB2365 Effective Date</p>	<p style="text-align: center;">EMERGENCY MEDICAL SERVICES; PROTOCOL Rep. Crandall</p> <p>In pertinent part, disclosure of confidential information in the Arizona State Trauma Registry is classified as a Class 3 misdemeanor. The</p>

<p>Emergency 04/28/2008</p>	<p>Department of Health Services is required to provide quarterly trauma system data reports to each hospital and to the designated trauma center submitting data.</p>
<p>Item of interest to:</p>	
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	<p>DHS may authorize other persons and organizations to use state trauma registry data:</p> <ul style="list-style-type: none"> • To study the sources and causes of trauma • To evaluate the cost, quality, efficacy and appropriateness of diagnostic, therapeutic, rehabilitative and preventive services and programs related to trauma
<p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p>	<p>Statutes amended: A.R.S. §§ 36-2204, 36-2220, 36-2221 and 36-2222</p>
<p>Administrative Office of the Courts</p>	<p>Court Impact: Courts should be aware of the effect of this bill that establishes A.R.S. § 36-2221(D) as a new Class 3 misdemeanor offense for the disclosure of confidential information from the state trauma registry. The change requires courts to update their automation system.</p>
<p>Chapter 109 HB2443 Effective Date General</p>	<p style="text-align: center;">CONSTABLES; ETHICS; TRAINING Rep. Kavanagh</p> <p>The minimum amount of annual training that constables are required to attend is increased to 16 hours. Monies from the Constable Ethics Standards and Training fund may used to pay for constable training. Statute amended: A.R.S. §22-137</p>
<p>Item of interest to:</p>	
<p>Superior Court: Court Administrator Judge</p>	<p>Statute amended: A.R.S. §22-137</p> <p>Court Impact: Informational, regarding training requirements for constables.</p>
<p>Justice Court: Court Administrator Justice of the Peace</p>	
<p>Administrative Office of the Courts</p>	
<p>Chapter 115 HB2566 Effective Date Emergency 04/28/2008</p>	<p style="text-align: center;">SCHOOLS; STUDENT TEACHERS; TUTORS; FINGERPRINTING Rep. Anderson</p> <p>In pertinent part, renumbers A.R.S. §15-534 (H) to §15-534 (I). This statute makes it a Class 3 misdemeanor to provide a false statement, representation or certification on any application to the Department of Education for certification.</p>
<p>Item of interest to:</p>	
<p>Justice Court:</p>	<p>Statute amended: A.R.S. § 15-534</p> <p>Court Impact: Technical renumbering of the violation section.</p>

<p>Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Officer of the Courts</p>	<p>renumbers A.R.S. § 15-534(h) to 15-534(l) a class 3 misdemeanor. The change requires the court to update their automation system. Also provides that any person who participates in a teacher preparation program that is approved by the state board or any person who is contracted by this state, by a school district or by a charter school to provide tutoring services shall obtain a fingerprint clearance card pursuant to this section before the person participates in field experience in which services will be provided directly to pupils.</p>
<p>Chapter 116</p> <p>HB2574</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>AIRPORTS; DESIGNATED SECURITY AREAS; WEAPONS Rep. JP Weiers</p> <p>The offense of “Misconduct involving weapons in a secure area of the airport” is established and the offense is classified as a Class 1 misdemeanor. A person commits the offense by intentionally carrying, possessing, or exercising control over a deadly weapon in a secured area of an airport, excluding the following:</p> <ul style="list-style-type: none"> • A peace officer while in performance of official duties • A member of the military forces while in performance of official duties • A federally sworn officer in the performance of official duties • An individual who is authorized by a federal agency in the actual performance of official duties • General aviation areas not included in the security identification display area or the sterile area as defined in the Airport Security Program • The lawful transportation of deadly weapons in accordance with state and federal law <p>“Secured area” of an airport is defined as any area of an airport specified in an airport security program that is authorized and approved by the U.S. Transportation Security Administration.</p> <p>“Deadly weapon” is defined as anything designed for lethal use, including a firearm (A.R.S. §13-105).</p> <p>Statute created: A.R.S. §28-8429</p> <p>Court Impact: Established 28-8429A as a class 1 misdemeanor for misconduct involving weapons in a secure area of the airport. The change requires the court to update their automation system. Weapon is defined in A.R.S. §13-105.</p>
<p>Chapter 121</p> <p>SB1039</p>	<p>COUNTERFEIT MARKS; INTELLECTUAL PROPERTY Sen. Harper</p> <p>In pertinent part, the court must order a person convicted of “Unlawful</p>

<p>Effective Date General</p>	<p>copying or sale of sounds or images from recording devices” to make restitution to any owner or lawful producer of the master device or article who has suffered injury resulting from the violation. The order of restitution is to be based on the aggregate wholesale value of lawfully manufactured and authorized recorded devices corresponding to the nonconforming recorded devices involved in the violation. The order must also include investigative costs relating to the violation, and proof of the specific wholesale value of each nonconforming device is not required.</p> <p>The threshold for the number of unlawfully copied or sold sounds or images that constitute a Class 3 felony is decreased from 1,000 to 100 or more; additionally, the range for a Class 6 felony charge is now between 10 and 100, with anything under 10 being classified as a Class 1 misdemeanor.</p> <p>Statutes amended: A.R.S. §13-3705, 44-1453</p> <p>Court Impact: Reduces the number of unlawfully copied items of sounds or images involving 1000 to 100 or more articles containing sound recordings for a class 3 felony. Reduces the number of unlawfully copied items for copying or sale of sounds or images involving 10 or more but less than 100 articles containing sound recordings for a class 6 felony. Reduces the number of unlawfully copied items for sale of sounds or images involving less than 10 articles containing sound recordings for a class 1 misdemeanor. Requires court ordered restitution based on the aggregate wholesale value of lawfully manufactured and authorized recorded devices corresponding to the nonconforming recorded devices involved in the violation.</p>
<p>Item of interest to:</p>	
<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p>	
<p>Justice Court: Court Administrator Clerk Justice of the Peace</p>	
<p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p>	
<p>Administrative Office of the Courts</p>	
<p>Chapter 124</p> <p>SB1112</p> <p>Effective Date General</p>	<p style="text-align: center;">DIVORCE; DISPOSITION OF PROPERTY Sen. Linda Gray</p> <p>Service of a petition for dissolution of marriage, legal separation or annulment does not:</p> <ul style="list-style-type: none"> • Alter the status of preexisting community property • Change the status of community property that is used to acquire new property or the status of that new property as community property • Alter the duties and rights of either spouse with respect to the management of community property (except as restricted by a preliminary injunction) <p>The court may consider all debts and obligations related to the property, including accrued or accruing taxes, which would become due on the receipt, sale or other disposition of the property when dividing property in a marriage dissolution or legal separation proceeding. The court may also consider the exempt status of certain properties from process for collection of debt.</p>
<p>Item of interest to:</p>	
<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p>	
<p></p>	
<p>Administrative Office of the Courts</p>	

	<p>The court is required to make specific findings of fact and supporting conclusions of law in its decree if any part of the court's division of joint, common or community property is in the nature of child support or spousal maintenance.</p> <p>Statutes amended: A.R.S. §25-318, 25-211</p> <p>Court Impact: Disposition of property; retroactivity; notice to creditors; assignment of debts; contempt of court</p> <ul style="list-style-type: none"> • Allows the court to consider the following when dividing community property: <ul style="list-style-type: none"> ○ all debts and obligations related to the property, including accrued or accruing taxes that would become due on the receipt, sale or other disposition of the property. ○ the status of certain property as exempt from process for the collection of debts. • Requires the court to make specific findings of fact and supporting conclusions of law in its decree if the division of joint, common or community property is in the nature of child support or spousal maintenance. • Makes technical and conforming changes.
<p>Chapter 138</p> <p>HB2554</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">JUSTICE COURTS; CRIMINAL ACTION; JURISDICTION Rep. Biggs</p> <p>Time payment fee and any other penalties or additional assessments are excluded when calculating the total fine for the purposes of determining justice of the peace jurisdiction.</p> <p>Statute amended: A.R.S. §22-301</p> <p>Court Impact: Technical clarification concerning the jurisdictional limits of justice courts.</p>
<p>Chapter 142</p> <p>HB2088</p> <p>Effective Date General</p>	<p style="text-align: center;">MOTOR CARRIER SAFETY, VEHICLE EQUIPMENT Rep. Biggs</p> <p>The statute regarding limitations of hours placed on motor carriers or private carrier drivers found in Title 23, Labor, is repealed.</p> <p>Changes to laws dealing with additional lighting on a bus, truck, truck</p>

Item of interest to:	<p>tractor, trailer, semi-trailer and pole trailer are enacted. Changes to some of the laws dealing with required brake equipment are enacted.</p> <p>Changes to certain definitions in Title 28, Chapter 14 are also enacted. However, there is a conflict with Chapter 147 regarding the definition of "commercial motor vehicle" and "lightweight motor vehicle"</p> <p>Statutes amended: A.R.S. §§ 23-286.01, 28-929, 28-931, 28-935, 28-945, 28-952, 28-956, 28-5201, 28-5204</p> <p>Statute repealed: A.R.S. §23-286</p> <p>Court Impact: Adds additional safety equipment requirements for trucks, buses, tractors, and pole trailers. Changes to definitions include striking the definition of "Declared gross weight" and reducing the weight for a "Lightweight motor vehicle" from twenty thousand pounds to eighteen thousand pounds. Definitions section is amended but does not conform to the changes in 28-5201 as amended by Chapter 147.</p>
Superior Court: Court Administrator	
Justice Court: Court Administrator Clerk Justice of the Peace	
Municipal Court: Court Administrator Clerk Judge/Magistrate	
Administrative Office of the Courts	

<p>Chapter 143</p> <p>HB2093</p> <p>Effective Date Delayed 01/01/200</p>	<p>SCHOOL CROSSINGS</p> <p>Rep. Biggs</p>
Item of interest to:	<p>The doubling of civil penalties for violations in a school crossing zone is only required if signage is present indicating that the civil penalty will be doubled. The statute is reorganized, with separate subsections for violations with the "fines doubled" sign present and for violations without the "fines doubled" violations present.</p> <p>Conforming changes are made to A.R.S. § 28-672, Causing serious injury or death by a moving violation, § 28-675, Causing death by use of a vehicle and § 28-676, Causing serious injury by use of a vehicle.</p> <p>Statutes amended: A.R.S. §§ 28-672, 28-675, 28-676 and 28-797</p> <p>Court Impact: Establishes new violations for school zone crossings that increases the civil penalty by the amount of the base fine, if the required signage is present. Surcharges do not apply to the increased penalty. The bill splits former 28-797E and adds the existing violation as 28-797(F), also adds new violations as sections 28-797(H) and 28-797(I). Additional assessment for H and I are equal to base fine and are not subject to surcharges. The change requires the court to update their automation system.</p>
Superior Court: Clerk of the Court Court Administrator Clerk Judge	
Justice Court: Court Administrator Clerk Justice of the Peace	
Municipal Court: Court Administrator Clerk Judge/Magistrate	
Administrative Office of the Courts	

<p>Chapter 147</p> <p>HB2088</p> <p>Effective Date General</p>	<p>COMMERCIAL MOTOR VEHICLES; TRAILERS</p> <p>Rep. Biggs</p>
Item of interest to:	<p>The definition of "commercial motor vehicle" is revised in both Title 28, Chapter 6, Traffic Regulation and Chapter 14, Motor Carrier Safety. The definitions are not identical. For the purposes of Title 28, Chapter 14, the definition of "motor carrier" encompasses a commercial motor vehicle</p>
Superior Court: Clerk of the Court Court Administrator Clerk Judge	
Justice Court: Court Administrator Clerk Justice of the Peace	
Municipal Court: Court Administrator Clerk Judge/Magistrate	
Administrative Office of the Courts	

<p>Item of interest to:</p> <p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Clerk Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>only. The applicability of Title 28, Chapter 14, centering on the revised definition of “commercial motor vehicle” is redefined.</p> <p>There is a conflict with Chapter 142 regarding the definition of “Commercial Motor Vehicle” and “Lightweight Motor Vehicle.”</p> <p>An equipment violation listed in Title 28, Chapter 14, unless requiring an out of service order, is classified as a civil traffic violation.</p> <p>Statutes amended: A.R.S. §§ 28-601, 28-5201, 28-5202, 28-5204, 28-5240, 28-5242, 28-5432, Statutes created: A.R.S. §§ 28-1111, 28-5245</p> <p>Court Impact: A.R.S. 28-5245 is added to specify that an equipment violation of this chapter (or any rule adopted pursuant to this chapter) is a civil traffic violation unless the violation requires issuance of an out-of-service order pursuant to section 28-5241. Equipment violations may pertain to safety violations or hazardous material violations and courts will need to determine if an out of service order has been issued to determine if the violation is a misdemeanor. Definitions section is amended but does not conform to the changes in 28-5201 as amended by Chapter 142.</p> <p>Makes all R-17 equipment violations civil traffic violations unless the vehicle is given an "out of service order" in which case the charge is a misdemeanor violation. The change requires the court to update their automation system.</p> <p>Creates civil traffic violations for commercial motor vehicle for equipment violations in Title 28, Chapter 14. See chapter142.</p>
<p>Chapter 150</p> <p>HB2623</p> <p>Effective Date General</p>	<p align="center">CONSTABLES; PEACE OFFICERS STATUS Rep. Pearce</p> <p>The definition of a peace officer is expanded to include constables, however, a constable has peace officer authority only during performance of official duties. Deputies appointed by constables are required to meet the minimum peace officer qualifications set forth by the Arizona Peace Officers Standards and Training board.</p> <p>Statutes amended: A.R.S. §13-105, 22-131, 41-1823</p> <p>Court Impact: Informational, constables are now included in the definition of peace officers but only in the performance of their official duties. A deputy constable must now be certified by Arizona Peace Officers Standards and Training board.</p>
<p>Item of interest to:</p> <p>Superior Court: Court Administrator Judge</p> <p>Justice Court: Court Administrator Justice of the Peace</p> <p>Administrative Office of the Courts</p>	

Chapter 152

HB2745

Effective Date

**Emergency
05/01/2008**

Item of interest to:

Superior Court:

Chief Probation Officer
Clerk of the Court
Court Administrator
Clerk
Judge

Justice Court:

Court Administrator
Clerk
Justice of the Peace

Municipal Court:

Court Administrator
Clerk
Judge Magistrate

**Administrative office
of the Courts**

**EMPLOYER SANCTIONS AMENDMENTS
Rep. Pearce**

The bill makes significant changes to the Employer Sanctions Law from last year including:

1. Expanding statutory identity theft: The definition of "taking the identity of another person" is expanded to include accepting personal identification information of another person with the intent of obtaining or continuing employment. The definition of trafficking in the identity of another person" is expanded to include the intent of obtaining or continuing employment.
2. Establishing protocols for allegations of and punishments for violations of employing unauthorized aliens: A complaint must be filed on form prescribed by the Attorney General (AG); requiring notarization or the social security number of the person filling out the complaint is prohibited. The 'frivolous' standard is changed to 'false and frivolous'. The AG and county attorney may investigate allegations not submitted on the complaint form; prohibits the investigation of complaints based solely on race, color or national origin. Complaints are required be filed in the county in which the alleged unauthorized alien was employed. The county sheriff and local law enforcement agency may assist in investigating a complaint; prohibits any state, county or local officer from making an independent determination as to whether or not an individual is authorized to work in the United States.

If, after an investigation, it is determined that the allegation is not 'false and frivolous,' the AG is tasked with certain enumerated requirements.

For a first violation the court must order:

1. The employer to terminate all unauthorized alien employees;
2. The employer to a five year term of probation for the business location where the unauthorized alien worked;
3. The appropriate agencies to suspend all license held by the employer for a minimum of ten days; and
4. The employer to sign a sworn affidavit which states that the employer has terminated the employment of all unauthorized aliens and will not intentionally or knowingly employ an unauthorized alien.

When determining whether or not an individual is an unauthorized alien the court is only permitted to consider the federal government's determination. Licenses eligible for suspension are those specific to the site where the unauthorized alien worked. If the employer does not have a license specific to the particular location, the employer's general license is suspended. The length of suspension of relevant licenses is determined by the court based on:

5. The number of unauthorized aliens employed;
6. Any prior misconduct by the employer;
7. The degree of harm resulting from the violation;
8. The duration of the violation,;
9. Whether or not the employer made a good faith effort to comply with regulations; and
10. Any other factors the court deems appropriate.

For a second violation licenses are permanently revoked rather than suspended.

3. Amending state employment law requirements
4. Establishes requirements of government entities when entering into contracts and of employers to receive state benefits: Various situations and circumstances to the law requiring the participation in the E-Verify program are added.
5. Clarifying confusion surrounding 'independent contractors' and redefining related terms:

The terms "independent contractor" and "social security number verification service" are defined. Factors for determining if an individual is an independent contractor are enumerated. In cases of independent contractor, the independent contractor is the employer, not the person that uses the contract labor. "Employee," "employ" and "employer" are defined.

Emergency Clause: effective May 1, 2008

Statutes amended: A.R.S. §13-2008, 13-2010, 23-211, 23-212, 23-214
Statutes created: A.R.S. §23-212.01, 23-215, 23-216, 23-361.01, 41-1080, 41-4401

Court Impact: The definition of 'taking the identity of another person' is expanded to include accepting personal identification information of another person "with the intent of obtaining or continuing employment." (A.R.S. §13-2008(A)) The definition of 'trafficking in the identity of another person' is expanded to include the "allowing another person to obtain or continue employment." (A.R.S. §13-2010(A))

The bill adds a class 4 felony for "knowingly accepting the identity of another person" when a person both accepts any personal identifying information knowing that the person is not the identified person and then uses the provided information for work authorization under federal law. A.R.S. §13-2008 (B)

The bill clarifies the definition of employee and excludes independent contractors from the definition. An "independent contractor" is included in the definition of employer. (A.R.S. § 13-2010(C)(4)) A separate definition of independent contractor is added by the bill. The Basic Pilot Program is changed to the E-Verify Program. The bill separates the offenses of "knowingly employing" unauthorized aliens and "intentionally employing"

	<p>unauthorized aliens.</p> <p>The bill adds a class 3 misdemeanor for filing a false and frivolous complaint. (A.R.S. § 23-212.01(B))</p> <p>The bill requires the Attorney General's Office to post the court orders for employer violation, a list of Arizona employers registered with the federal E-verify program and employers enrolled in the voluntary enhanced compliance program on their websites.</p> <p>The bill requires an employer with two or more employees that are paid in cash to comply with state laws relating to income tax withholding, employer reporting, employment security (unemployment) and workers' compensation. Failure to comply may result in the Attorney General filing an action in superior court. If the court finds a violation, the court shall order the employer to pay a civil penalty that is equal to treble the amount of all withholdings, payments, contributions or premiums that the employer failed to remit as prescribed by subsection a of this section or five thousand dollars for each employee for whom a violation was committed, whichever is greater. (A.R.S. § 23-361.01(B)) The funds are deposited with the State Treasurer in the general fund. (A.R.S. § 23-361.01(C))</p> <p>The bill also establishes requirements for government entities when entering into contracts. (A.R.S. § 41-4401)</p> <p>The changes require the court to update their automation system.</p>
<p>Chapter 162</p> <p>SB1282</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">ADULT ADOPTION Sen. Miranda</p> <p>An adult is now able to adopt another adult between the ages of 18 and 21 years old if the adult being adopted consents to the adoption.</p> <p>Statute amended: A.R.S. § 14-8101</p> <p>Court Impact: Informational</p>
<p>Chapter 166</p> <p>HB2601</p>	<p style="text-align: center;">SHORT-TERM CAREGIVERS; FOSTER CHILDREN Rep. Adams</p> <p>If a foster parent experiences circumstances that would necessitate</p>

<p>Effective Date General</p>	<p>leaving a foster child in the short-term care of another person, the foster parent is required to:</p>
<p>Item of interest to:</p>	<ul style="list-style-type: none"> • Use reasonable judgment in their choice of an adult to provide care
<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p>	<ul style="list-style-type: none"> • Notify the Department of Economic Security case manager within twenty-four hours in a nonemergency situation • Notify the DES case manager within seventy-two hours in an emergency situation
<p></p>	<p></p>
<p></p>	<p>A foster parent who is certified to care for a developmentally disabled child, a child needing special treatment, or a medically fragile child must implement the alternate care plan approved by DES if the foster parent needs to leave the child in the care of another person.</p>
<p>Administrative Officer of the Courts</p>	<p>Statute created: A.R.S. § 8-511</p>
<p></p>	<p>Court Impact: Informational, requires a foster parent to notify DES under defined circumstances when leaving a foster child in the care of another person. Requires the foster parent to have an alternative care plan approved by DES to provide care to a child with developmental disabilities, a medically fragile child or a child receiving treatment foster care when leaving the child in the care of another person.</p>
<p>Chapter 168 HB2764 Effective Date General</p>	<p align="center">DEPENDENT CHILDREN; SUCCESSOR PERMANENT GUARDIANSHIP Rep. Hershberger</p>
<p>Item of interest to:</p>	<p>A “successor permanent guardianship” is established in the event a permanent guardian dies or becomes unable or unwilling to care for a child and allows the permanent guardian, DES or an interested party to file a motion for appointment. A motion that identifies a potential successor guardian must be accompanied by an affidavit signed by that individual. The requirements of the motion necessary procedures for the court and DES are enumerated.</p>
<p>Superior Court: Clerk of the Court Court Administrator Clerk Judge</p>	<p>The court is required to set a date for an initial successor guardianship review hearing within 30 days after the motion is filed and to appoint an attorney for the child and the proposed successor guardian if necessary. The court does not have to appoint an attorney for the parent of the child. The court is also required to enter temporary orders as required by statute. The court must order the person filing the motion to give notice of the hearing and to provide a copy of the motion and the temporary orders, by first class mail, to the permanent guardian, DES, the child’s attorney, the child’s parents and any other interested person as ordered by the court.</p>
<p></p>	<p>The age requirement of a child who may object or approve an appointment for court consideration is reduced from 14 to 12.</p>
<p></p>	<p>The court must set a review hearing within one year if an appointment of</p>
<p>Administrative Office of the Courts</p>	<p></p>

a successor permanent guardian is made. The order appointing the successor guardian may allow for contact between the child and the natural or adoptive parents, siblings, and other relatives if it is in the child's best interests and the court may require the parent to contribute to the support of the child and the cost of visitation to the extent of the parent's ability.

If the court does not appoint a provisional or a permanent successor guardian, the court may order DES or the child's attorney to file a dependency petition regarding the child and may enter temporary orders if needed for the safety and well-being of the child. In these cases, the court may direct DES not to provide reunification services to the child's parents unless there is clear and convincing evidence that it would be in the child's best interests. A permanent guardian is permitted to advise the court as to the identity and contact information of a potential successor guardian.

Statutes amended: A.R.S. §8-814, 8-846, 8-871
Statutes created: A.R.S. §8-874

Court Impact: Allows for procedures for the orderly transition of a guardianship when a permanent guardian dies or becomes unable or unwilling to care for a child and allows the permanent guardian, DES or an interested party to file a motion for appointment.

Chapter 170

HB2842

Effective Date
General

FORGERY; DROP HOUSE PROPERTY TRANSACTIONS
Rep. Driggs

- Item of interest to:**
- Superior Court:**
Chief probation Officer
Clerk of the Court
Court Administrator
Clerk
Judge
 - Justice Court:**
Court Administrator
Clerk
Justice of the Peace
 - Municipal Court:**
Court Administrator
Clerk
Judge/Magistrate
 - Administrative Officer of the Courts**

A new offense, the act of knowingly owning, selling, leasing, or brokering a transaction involving property or real property that will be used as a drop house, is created and classified as a Class 4 felony. There is a defense to prosecution if the person or company that conducted the transaction discovers after the fact that the property is being used as a drop house if the information is reported to a law enforcement agency. The definition of "smuggling of human beings" is expanded to include the use of property or real property by a person or an entity that knows or has reason to know that the person/s transported are not United States citizens, permanent resident aliens or persons otherwise lawfully in this state.

"Drop house" is defined as property or real property used to facilitate smuggling.

Statute amended: A.R.S. §13-2319
Statute created: A.R.S. §13-2322

Court Impact: Defines "drop house" and establishes A.R.S. § 13-2322(A) as a new class 4 felony for knowingly owning, selling, leasing, or brokering a transaction involving property or real property that will be used as a drop house. The change requires the court to update their

	automation system. Provides a defense if the party discovers the property is being used as a drop hose and reports the fact to law enforcement.
<p>Chapter 171</p> <p>HB2190</p> <p>Effective Date General</p>	<p>CONSTABLE ETHICS; BOARD; MEMBERSHIP Rep. Griggs</p> <p>One member of the Constable Ethics Standards and Training Board must be a board member of the Arizona Multi-Housing Association at the time of appointment.</p> <p>Statutes amended: A.R.S. §22-136</p> <p>Court Impact: Informational pertaining to constables.</p>
<p>Item of interest to:</p> <p>Superior Court: Court Administrator Judge</p> <p>Justice Court: Court Administrator Justice of the Peace</p> <p>Administrative Office of the Courts</p>	
<p>Chapter 179</p> <p>HB2444</p> <p>Effective Date General</p>	<p>AGGRAVATED ASSAULT; CONSTABLES Rep. Kavanagh</p> <p>Assault against a constable or person summoned and directed by a constable is an aggravated assault if committed while the constable or person summoned by the constable was engaged in the execution of any official duty and the offender knew or had reason to know the victim's profession.</p> <p>Statute(s) Impacted: A.R.S. § 13-1204</p> <p>Court Impact: Courts should be aware of the effect of this bill that establishes A.R.S. § 13-1204(A)(8)(b) as a class 6 felony for an assault against a constable or person summoned and directed by a constable in the execution of their duties. Technical changes also renumber the existing 13-1204(A)(8)(b) through (e) as (A)(8)(c) through (A)(8)(f). The changes require the court to update their automation system.</p>
<p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of Superior Court Court Administrator Judge</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Administrative Office of the Courts</p>	
<p>Chapter 181</p> <p>HB2505</p> <p>Effective Date</p>	<p>CHILD SUPPORT; MEDICAL INSURANCE Rep. Jim Weiers</p> <p>Parents are required to present to the court a medical support plan for the child that includes the child's medical support needs, the availability</p>

<p>General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Administrative Office of the Courts</p>	<p>of medical insurance or Arizona Health Care Cost Containment System, and whether a cash medical support order is necessary. In title IV-D, cases the parent responsible for providing medical insurance for the child must notify the child support enforcement agency in the Department of Economic Security (DES) if medical insurance has been obtained or if the child is no longer covered under an insurance plan.</p> <p>If the court finds that neither parent is able to obtain medical insurance for the child that is accessible and available at a reasonable cost the court must:</p> <ul style="list-style-type: none"> • Establish a reasonable monthly cash medical support order to be paid by the obligor, unless medical assistance is being provided to the child under Title XIX, in which case cash medical support will be assigned to the state. • Order that medical costs in excess of the cash medical support amount should be paid by each parent according to the percentage assigned for payment of payment of uninsured costs. • Set alternative cash medical support order to be paid by the parent ordered to provide medical insurance if the child is not covered within 90 days of the order or if the child is no longer covered by insurance. <p>The director of DES is permitted to enter into agreements with a consortium of other states to increase the availability of medical insurance coverage.</p> <p>Defines “accessible” as meaning that insurance is available in the geographic region where the child resides. Defines “reasonable cost” as an amount that does not exceed the higher of five percent of the gross income of the obligated parent or an income- based numeric standard that is prescribed in the child support guidelines.</p> <p>Statute(s) Amended: A.R.S. §20-154, 25-320, 25-500</p> <p>Court Impact: Provides that the supreme court include the medical support plan as a factor in the child support guidelines. Requires the director of the Department of Insurance to make available to the public a list of authorized insurers offering individual health plans annually.</p>
<p>Chapter 182</p> <p>HB2594</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator</p>	<p align="center">CPS; COURT ORDERS Rep. Adams</p> <p>Child Protective Service (CPS) workers are required to make a good faith effort to promptly obtain and abide by court orders that restrict or deny custody, contact or visitation by a parent or other person who resides with the child. The CPS worker must ask the parent, guardian or custodian under investigation if a current court order exists as part of this effort.</p> <p>Statute Amended: A.R.S. §8-802</p>

<p>Judge Clerk</p>	<p>Court Impact: Courts will need to provide CPS with orders that restrict or deny custody, contact or visitation by a parent or other person who resides with the child. No contact orders could include Orders of Protection or Injunctions Against Harassment.</p>
<p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	
<p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p>	
<p>Administrative Office of the Courts</p>	
<p>Chapter 185 SB1043 Effective Date General</p>	<p>CORP; JUDICIARY; OTHER DESIGNATED POSITION Sen. Tibshraeny</p> <p>The local board of the judiciary under the Correctional Officer Retirement Plan (CORP) may designate a position within the Administrative Office of the Courts (AOC) as a CORP position if the employee filling the position:</p>
<p>Item of interest to:</p>	<ul style="list-style-type: none"> • Is a current member of CORP • Is already in a designated position in the judiciary • Has at least five years of credited service in CORP • Has direct contact with and primarily provides training or technical expertise to probation, surveillance or juvenile detention officers. <p>The position is returned to non-designated status when the employee leaves the position.</p> <p>Statutes Amended: A.R.S. §38-881 as amended by laws 2007, 38-891</p> <p>Court Impact: Allows a probation officer meeting the established qualifications to accept employment with the AOC without losing their members in the CORP retirement plan. The position is returned to non-designated status when the employee leaves the position.</p>
<p>Superior Court: Chief Probation Officer Court Administrator Judge</p>	
<p></p>	
<p></p>	
<p>Administrative Office of the Courts</p>	<p>LAW ENFORCEMENT; PROBATION; OFFICERS; INVESTIGATIONS Sen. Linda Gray</p> <p>The employer of a law enforcement or probation officer may require an employee to submit to a polygraph if the officer makes a statement during an investigation that differs from information known to the employer about the investigation and it is necessary to reconcile the differences in order to complete the investigation. The polygraph must be recorded and a copy must be provided to the officer.</p> <p>The right to a peremptory change of hearing officer that currently applies</p>
<p>Chapter 193 SB1339 Effective Date General</p>	
<p>Item of interest to: Superior Court: Chief Probation Officer Court Administrator</p>	

<p>Judge</p> <p>Municipal Court: Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>to cases being heard by the office of administrative hearings is expanded to include cases where the employer is located in a county of 250,000 or more or a city of 65,000 or more. The employer carries the burden of proof in the appeal of a disciplinary action. The definition of a disciplinary action is modified to include any dismissal, demotion or suspension of more than 24 hours, currently 40 hours.</p> <p>Note that population is based on most recent decennial census.</p> <p>Statute Amended: A.R.S. §38-1101</p> <p>Court Impact: A court employing a probation officer in a county with a population greater than 250,000 or a city with a population greater than 65,000 or more persons may require a probation officer to submit to a polygraph test. The test may only be conducted if the officer makes a statement to the employer during an investigation that differs from other information relating to the investigation that is known to the employer and reconciling that difference is necessary to complete the investigation.</p>
<p>Chapter 195</p> <p>SB1355</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Administrative Office of the Courts</p>	<p>ATTEMPTED DANGEROUS CRIMES AGAINST CHILDREN Sen. Pesquiera</p> <p>Preparatory offenses listed in A.R.S. §13-604.01(B) (Dangerous crimes against children; sentences; definitions) are added to the provisions of A.R.S. §13-604.01(J), classifying the offenses as Class 3 felonies and setting specific sentencing ranges.</p> <p>Statute Amended: A.R.S. §13-604.01</p> <p>Court Impact: Classifies the offenses under section A.R.S. 13-604.01(B) as class 3 felonies including presumptive term of imprisonment for ten years if a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the second degree.</p>
<p>Chapter 197</p> <p>SB1440</p> <p>Effective Date General</p>	<p>CHILD DEPENDENCY CASES; PERFORMANCE STANDARDS Sen. Landrum-Taylor</p> <p>The Administrative Office of the Court (AOC) is required to develop judicial performance standards for courts that handle child dependency cases on or before December 31,2008 and to conduct a review of the implementation of the standards and the impact of these standards on</p>

<p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Administrative Office of the Courts</p>	<p>the judicial management of child dependency cases on or before December 31, 2009. The AOC is to report the findings to the Governor, the Speaker of the House, and the President of the Senate by February 1, 2010.</p> <p>Repealed October 1, 2011</p> <p>Statute Impacted: Session Law</p> <p>Court Impact: Informational</p>
<p>Chapter 198</p> <p>SB1441</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Administrative Office of the Courts</p>	<p align="center">FOSTER CARE; EXPEDITED PERMANENCY Sen. Landrum-Taylor</p> <p>The list of sufficient evidence for justifiable termination of a parent/child relationship is expanded to include circumstances in which a child under the age of three has been in an out-of-home placement for a cumulative period of six months or longer and the parent(s) substantially neglected or willfully refused to remedy the circumstances that necessitated the removal of the child. Neglect or refusal may include failure to participate in reunification services offered by the Department of Economic Security (DES). The court is required to inform all parents at the preliminary protective hearing of this expanded justification.</p> <p>The court must determine within six months of removal if reasonable efforts have been made to provide reunification services to the parent of the child under the age of three. The court is prohibited from postponing the permanency hearing beyond six months unless the party seeking the postponement shows that the court has already determined or will determine within six months of the child's removal that reasonable efforts have been made to provide reunification services to the parent. At the first periodic review hearing the court must determine whether the parent of a child under three years of age substantially neglected or willfully refused to participate in reunification services.</p> <p>The right to be heard in any proceeding held with respect to a child is expanded to include any foster parent, pre-adoptive parent, or a member of the child's family with whom the child is placed or who has been identified as a possible placement for the child. The court is required to provide notification of this right at the preliminary protective hearing. At the hearing, if the child is not returned to the parent or guardian, the court shall notify a relative of the right to be heard in any proceeding to be held with respect to the child if a relative is identified as a possible placement for the child, DES must make reasonable efforts to place a child in a timely manner.</p> <p>Statutes Amended: A.R.S. §8-113, 8-533, 8-824, 8-829, 8-847, 8-862</p> <p>Court Impact: Requires juvenile court to hold a hearing within ninety days for a child under three years of age or has resided in the home of</p>

	<p>the prospective adoptive parent or parents for at least six months preceding the filing of the petition for adoption on a petition to remove the child from the prospective adoptive parents home. Expands the grounds for termination of a parent/child relationship to include circumstances in which a child under the age of three has been in an out-of-home placement for a cumulative period of six months or longer and the parent(s) substantially neglected or willfully refused to remedy the circumstances that necessitated the removal of the child.</p> <p>The court is required to provide notification of the right to be heard in any proceeding held with respect to a child including any foster parent, pre-adoptive parent, or a member of the child's family with whom the child is placed or who has been identified as a possible placement for the child at the preliminary protective hearing.</p>
<p>Chapter 199</p> <p>SB1442</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Administrative Office of the Courts</p>	<p>DEPENDENT CHILDREN; PLACEMENT; HEARINGS Sen. Landrum-Taylor</p> <p>The right to be heard in any proceeding held with respect to a child is expanded to include any foster parent, pre-adoptive parent, or a member of the child's family with whom the child is placed, and the court is required to provide notification of this right at the preliminary protective hearing. If a relative is identified as a possible placement, the court must notify the relative of the right to be heard in any proceeding with respect to the child.</p> <p>Statute Amended: A.R.S. §8-824</p> <p>Court Impact: The court shall inform a foster parent, pre-adoptive parent, or a member of the child's family with whom the department has placed the child at the preliminary protective hearing of their right to be heard in any proceeding held. At the hearing, if the child is not returned to the parent or guardian, the court shall, if a relative is identified as a possible placement, notify the relative of the right to be heard in any proceeding with respect to the child.</p>
<p>Chapter 205</p> <p>HB2248</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator Judge</p> <p>Justice Court: Court Administrator Justice of the Peace</p>	<p>ELECTRONIC COMMUNICATIONS; HARASSMENT; ORDER; PROTECTION Rep. Robson</p> <p>The evidence the court is required to review when considering whether injunction against harassment or an order of protection should issue is expanded to include electronic contact or communication. Clarifies that a person commits harassment if the person contacts another person, anonymously or otherwise, with intent to harass.</p> <p>Statutes Impacted: A.R.S. § 12-1809, 13-2921, and 13-3602</p> <p>Court Impact: Clarifies courts are to consider electronic communications when presented as evidence for the issuance of an Order of Protection or Injunction Against Harassment.</p>

<p>Municipal Court: Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	
<p>Chapter 209</p> <p>SB1016</p> <p>Effective Date General</p>	<p>UNLAWFUL SEXUAL CONDUCT; CORRECTIONAL FACILITIES Sen. Chuck Gray</p> <p>The culpable mental states of intentionally or knowingly are inserted into the unlawful sexual conduct with an incarcerated offender statute.</p> <p>Statute amended: A.R.S. §13-1419</p> <p>Court Impact: Modifies the standard for engaging in sexual contact with an incarcerated offender.</p>
<p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Administrative Office of the Courts</p>	<p>SEXUAL CONDUCT; MINOR; SCHOOL TEACHER Sen. Bee</p> <p>Teachers, clergymen, and priests are added to the list of persons for whom sexual conduct with a minor who is at least 15 years old is a Class 2 felony. "Teacher" is defined as a certificated teacher as defined by A.R.S. §15-501, or any other person who directly provides academic instruction to pupils in any school district, charter school, accommodation school, the Arizona State Schools for the Deaf and the Blind, or a private school in the state.</p> <p>Statute Amended: A.R.S. § 13-1405</p> <p>Court Impact: Informational, adds teachers priests and clergymen to the list of persons for whom sexual conduct with a minor who is at least 15 years old is a Class 2 felony. Teacher is defined in A.R.S. §15-501.</p>
<p>Chapter 210</p> <p>SB1336</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	

<p>Chapter 219</p> <p>HB2480</p> <p>Effective Date General</p>	<p align="center">AGGRAVATED LURING; MINORS; SEXUAL EXPLOITATION</p> <p align="center">Rep. Adams</p>
<p>Item of interest to:</p>	
<p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p>	<p>Expands the list of Dangerous Crimes Against Children (DCAC) to include 'aggravated luring a minor for sexual exploitation' (Subsection D). The crime occurs when an electronic communication device is used to transmit visual material that is harmful to minors for the purpose of communicating with an individual that the perpetrator knows, has reason to know, or believes is a minor; and uses the communication to offer or solicit sexual conduct with the minor.</p>
<p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	<p>Aggravated luring is added to §13-1407 (F), providing a defense to prosecution if the conduct is consensual and the victim is at least 15 years of age and the defendant is under 19 years old or attending high school and less than two years separates them by age.</p>
<p></p>	
<p>Administrative Office of the Courts</p>	<p>Aggravated luring of a minor for sexual exploitation is a Class 2 felony, punishable as a DCAC, if the minor is under 15 years of age, with a presumptive term of imprisonment for 17 years or 28 years if the person has been convicted of a predicate felony. Conviction or an attempted violation requires registration as a sex offender. It is not a defense to a prosecution for a violation that the other person is not a minor or is a peace officer posing as a minor.</p>
	<p>The court must order any photographic equipment, computer system or instrument of communication that is used in the commission of the offense and owned exclusively by the convicted person to be forfeited and sold, destroyed or otherwise properly disposed of.</p> <p>"Electronic communication device" is defined as any electronic device that is capable of transmitting visual depictions and includes a computer, computer system or network, or a cellular or wireless telephone.</p> <p>Statute Amended: A.R.S. §13-604.01, 13-1407, 13-3557, 13-3821 Statute Created: A.R.S. §13-3560</p> <p>Court Impact: Expands the list of Dangerous Crimes Against Children (DCAC) to include 'aggravated luring a minor for sexual exploitation' a class 2 felony. Requires reporting as a sex offender and the payment of fees. Requires the clerk to notify the sheriff in that county of the conviction within ten days after entry of the judgment.</p>
<p>Chapter 222</p> <p>HB2694</p> <p>Effective Date</p>	<p align="center">SCHOOLS; FINGERPRINTING; CONTRACT EMPLOYEES</p> <p align="center">Rep. Kavanagh</p> <p>In pertinent part, renumbers A.R.S. 15-512 (M) to §15-512 (N). This</p>

<p>General</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p> <p>Administrative Office of the Court</p>	<p>statute makes it a Class 3 misdemeanor to provide a false statement, representation or certification to a school district in the course of an application for employment.</p> <p>Statute Impacted: A.R.S. § 15-512</p> <p>Court Impact: A.R.S. § 15-512 (M) is renumbered as § 15-512 (N), a class 3 misdemeanor. The change requires the court to update their automation system. The bill also requires a school district shall fingerprint or require the submission of a full set of fingerprints of any contractor, subcontractor or vendor or any employee of a contractor, subcontractor or vendor who is contracted to provide services on a regular basis on school property. Provides the school board adopt policies that exempt persons who are not likely to have direct, unsupervised contact with pupils from the requirements of this subsection.</p>
<p>Chapter 226</p> <p>HB2826</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator</p> <p>Municipal Court: Court Administrator</p> <p>Administrative Office of the Courts</p>	<p>LIQUOR WHOLESALERS; PROMOTIONAL ITEMS Rep. McComish</p> <p>In pertinent part, renumbers A.R.S. §4-243(D) to §4-243(E). This statute makes it unlawful for a retailer of spirituous liquor to request and knowingly receive anything of value from a producer or wholesaler of spirituous liquor, with the exception of special discounts provided based on quantity purchases.</p> <p>Statute Impacted: A.R.S. § 4-243</p> <p>Court Impact: Renumbers A.R.S. §4-243(D) to §4-243(E). Provides that it is unlawful for a retailer to receive promotional items from a wholesaler with a market value in excess of \$500 in a calendar year. For the purposes of this subsection, "promotional items" means items of equipment, supplies, novelties or other advertising specialties that conspicuously display the brand name of a spirituous liquor product. Promotional items do not include signs.</p>
<p>Chapter 234</p> <p>HB2117</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Court Administrator Judge</p>	<p>CORP; MEMBER CONTRIBUTIONS; DISABILITY REP. MCCLURE</p> <p>The requirement that liabilities be funded 100% before ordinary disability may be available to members of CORP is removed. The contribution rate for members, excluding full-time dispatchers, is set at 8.41% starting July 1, 2009 and a reduction of the member contribution to 7.96% is permitted if liabilities were completely funded the previous fiscal year.</p> <p>Statute Amended: A.R.S. §38-891 Statute Repealed: Laws 2007, Chapter 261, Section 17</p> <p>Court Impact: Establishes contribution rates for the Corrections Officer</p>

<p style="background-color: #e0ffe0; padding: 2px;">Administrative Office of the Courts</p>	<p>Retirement plan which includes probation officers.</p>
<p style="text-align: center;">Chapter 237</p> <p style="text-align: center; color: blue;">HB2321</p> <p style="text-align: center;">Effective Date Delayed 1/2/2009</p>	<p style="text-align: center;">FACTUAL INNOCENCE; JUDICIAL DETERMINATION; PROCEDURE Rep. Driggs</p>
<p>Item of interest to:</p>	
<p style="background-color: #e0e0ff; padding: 2px;">Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p>	<p>A person or prosecuting agency acting on a person's behalf may petition the superior court for a judicial determination of factual innocence and a person or party may petition the superior court for a judicial determination of factual improper party status if the person's name was, as the result of identity theft, used by another individual who was arrested, charged or convicted of a criminal offense or entered as a record in a civil action or judgment. The petition for a judicial determination must be filed in superior court in the county in which the arrest was made, the citation was issued, the criminal charge was filed, or the civil action was filed. If a charge or civil action was filed in a justice court or municipal court, the justice of the peace or the presiding officer of the municipal court must transmit all papers, docket proceedings and orders entered into action to the clerk of the superior court in that county.</p>
<p style="background-color: #ffffe0; padding: 2px;">Justice Court: Court Administrator Justice of the Peace Clerk</p>	<p>In the case of a petition for a determination of factual innocence, if no charge was filed, the petition must be served on the arresting or citing law enforcement agency. If a charge is filed:</p>
<p style="background-color: #e0ffe0; padding: 2px;">Municipal Court: Court Administrator Judge/Magistrate Clerk</p>	<ul style="list-style-type: none"> The petition must be served to the prosecuting agency and, if applicable, the defense attorney The prosecuting agency must provide written notice of the date, time and location of the hearing for determining factual innocence and the victim's right to be present and heard at the hearing to all victims.
<p style="background-color: #e0e0ff; padding: 2px;">Administrative Office of the Courts</p>	
	<p>The court may conduct a hearing to determine a person's factual innocence or factual improper party status. The burden of proof on the plaintiff is clear and convincing evidence. The victim has a right to be present if the matter involves a petition for a determination of factual innocence. The court is required to consider requests to expedite the judicial determination of factual innocence or factual improper party status.</p> <p>On a determination by the court of factual innocence, the court must notify (if applicable) the person, the prosecuting agency, the law enforcement agency, and the defense attorney. The prosecuting agency is required to provide the victim with a copy of a court order within 15 days of the order being entered if the court enters a determination of factual innocence. Nothing in the statute pertaining to factual innocence can delay or affect in any other way a criminal case.</p> <p>If the court finds by clear and convincing evidence that the person is not</p>

a proper party to the civil action or judgment, the court must issue a signed order finding the person a factual improper party and notify the person along with all other parties of the finding.

Proceedings to determine factual innocence or factual improper party status are in addition to other remedies available to victims of identity theft. Additionally, a person is prohibited from being required to file a petition for a judicial determination of factual innocence or factual improper party status by a creditor or another person.

Statute Impacted: A.R.S. §12-771, 12-772, 12-773, 13-4440

Court Impact: May increase the number of civil filings in Superior Court by allowing a person or prosecutor acting on their behalf to file a petition in superior court for a determination of factual innocence based on an allegation of identity theft used by another person arrested, charged, or convicted of a criminal offense or filed as a civil action or judgment. Courts may wish to create specific docket events to track the additional filings. If the charge was filed in a justice of the peace court or municipal court the justice of the peace or presiding officer of a municipal court shall transmit all papers in the case, a copy of all proceedings as shown by the docket and all orders entered in the action to the clerk of the superior court in that county.

Chapter 244

HB2288

Effective Date

Emergency
5/27/2008

INITIATIVE AND REFERENDUM AMENDMENTS Rep. Stump

In pertinent part, a circulator of an initiative or referendum petition who induces any other person to sign the initiative or referendum petition by knowingly misrepresenting the general subject matter of the measure is guilty of a Class 1 misdemeanor.

Item of interest to:

Superior Court:

Clerk of Court
Court Administrator
Judge
Clerk

Justice Court:

Court Administrator
Justice of the Peace
Clerk

Municipal Court:

Court Administrator
Judge/Magistrate
Clerk

Administrative Office
of the Courts

Statute Amended: A.R.S. §16-918, 19-116, 19-121.01, 19-121.02, 19-121.04, 19-124

Court Impact: Renumbers the current A.R.S. § 19-116 as section § 19-116(A) and establishes § 19-116(B) as a new class 1 misdemeanor offense for obtaining a signature on a referendum or initiative by knowingly misrepresenting the general subject matter of the measure. The change requires the court to update their automation system. The contest of an initiative or referendum petition may be brought in the superior court of the county in which the person contesting resides or in the superior court in Maricopa County. The bill was precleared by the Department of Justice on 7/31/2008.

<p>Chapter 245</p> <p>HB2378</p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p style="background-color: #e0ffe0; padding: 2px;"></p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">COUNTIES; DEBIT CARD ACCEPTANCE Rep. DeSimone</p> <p>The legislative authority of county boards of supervisors is expanded to allow for the acceptance of credit and debit cards. The individual paying via credit or debit card is required to pay for any cost incurred as a result, unless the charging entity determines that the benefits of accepting debit and credit cards exceeds the accompanying fees.</p> <p>Statute Impacted: A.R.S. §11-251</p> <p>Court Impact: Informational, allows the credit/debit card service fees or costs for payments to the court to be passed on to the person tendering payment if the Board of Supervisors approves.</p>
<p>Chapter 248</p> <p>HB2836</p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge</p> <p style="background-color: #ffffcc; padding: 2px;"></p> <p style="background-color: #e0ffe0; padding: 2px;"></p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">GUARDIANS AND CONSERVATORS Rep. Barto</p> <p>If a petitioner for a guardianship or conservatorship of a person withdraws the petition or the petitioner fails to prosecute the petition, the court may order that compensation of the lawyer or expert appointed as a result of the petition be paid by the petitioner or the ward's estate.</p> <p>A lawyer employed to represent a guardian or conservator is entitled to reasonable compensation from the ward's estate if the petition is granted.</p> <p>An estate conservator is no longer required to provide a final account if the conservatorship is terminated due to the death of the protected person and a verified statement containing items enumerated in statute is filed, including a written waiver of the final accounting by all the protected person's successors. The personal representative who is not the conservator may file the waiver.</p> <p>The list of individuals who are entitled to reasonable compensation from the estate of a protected person is expanded to include a psychologist and an independent lawyer not appointed by the court.</p> <p>The contents of the closing statement required to be delivered to the protected person's successors are also enumerated in statute.</p> <p>The following terms are defined:</p>

	<ul style="list-style-type: none"> • ‘Guardian’ includes both a guardian and a temporary guardian. • ‘Ward’ is amended to include an alleged incapacitated person. • ‘Conservator’ includes a conservator, temporary conservator or special conservator. • ‘Petition’ is a petition submitted to the court for the appointment of a guardian, temporary guardian, conservator or temporary conservator. • ‘Protected person’ includes a person who is alleged to be in need of protection. • ‘Protected person’s successor’ include the personal representative of the protected person’s estate, if the personal representative and the conservator are not the same person. The protected person’s heirs, if the protected person died without a will and the personal representative and the conservator are the same person. The devisees under the protected person’s will, if the protected person died with a will and the personal representative and the conservator are the same person. <p>Statute Amended: A.R.S. §14-5314, 14-5414.01, 14-5419, 14-5425</p> <p>Court Impact: Prescribes additional parties who may receive compensation in guardianship and conservatorship cases including an independent lawyer or psychologist. The court may order the compensation from the ward's estate or by the petitioner. The court may consider any evidence it considers appropriate in making its determination. Allows a conservator to file a verified statement in lieu of a final accounting with permission of the court and specifies the content of the statement. Specifies condition under which a conservator may proceed to administer and distribute a decedents estate without additional or further appointment.</p>
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<p>Chapter 251</p> <p>HB2109</p> <p>Effective Date General</p>	<p style="text-align: center;">INTERSTATE COMPACT; ANNUAL ASSESSMENT Rep. Yarbrough</p> <p>The requirement of a legislative appropriation for an increase to Arizona’s annual Interstate Compact for Supervision of Adult Offenders assessment in excess of the statutory amount is replaced with the requirement of a report to the Joint Legislative Budget Committee (in addition to the existing approval of the assessment by the state council).</p> <p>Statute Amended: A.R.S. §12-267, 31-467</p> <p>Court Impact: Informational, allows monies in the adult probation services fund to be used to pay the annual assessment on member states of the interstate compact for the supervision of adult offenders. The state council shall notify the joint legislative budget committee of any increase in the assessment.</p>
<p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Court Administrator Judge</p> <p style="background-color: #ffffcc; height: 15px;"></p> <p style="background-color: #ccffcc; height: 15px;"></p> <p>Administrative Office of the Courts</p>	

<p>Chapter 256</p>	<p style="text-align: center;">LIQUOR; RESTAURANT LICENSES; CONTINUED OPERATION</p>
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HB2643

Effective Date
Delayed
01/01/2009

Item of interest to:

Superior Court:

Chief Probation Officer
Clerk of Court
Court Administrator
Judge
Clerk
Jury
Commissioner/Manager

Justice Court:

Court Administrator
Justice of the Peace
Clerk
Jury
Commissioner/Manager

Municipal Court:

Court Administrator
Judge/Magistrate
Clerk
Jury
Commissioner/Manager

**Administrative Office
of the Courts**

Rep. Crandall

Note: Due to the numerous changes to the OUI statutes this summary will set forth the law as amended, not just the changes.

Boating - General

- Leaving the scene of an accident is modified to more closely mirror Leaving the scene of a driving accident (§5-349).
- The offense of Unlawful flight from a law enforcement officer for boaters is established, similar to that for drivers, a Class 5 felony. The law enforcement watercraft must be appropriately marked, however there is no lights and siren requirement (§5-391).

OUI – General (§5-395)

- The prosecutor must allege all priors committed within eighty-four months.

OUI, non-extreme – First offense (§5-395, 5-391.01)

- Minimum sentence is 10 consecutive days in jail and the defendant is not eligible for probation, suspension, or execution of sentence unless the entire sentence is served. The judge may suspend any imposed sentence for a first violation if the person completes a court ordered alcohol or other drug screening, education or treatment program. However, if the court determines the defendant recklessly endangered another person with a substantial risk of physical injury the court may suspend only 9 days.
- Minimum fine is \$250.
- Community restitution is optional.
- An additional assessment of \$500 for the prison construction fund is imposed. The assessment is not subject to surcharge.
- An additional assessment of \$500 for the state general fund (changed to the Public Safety Equipment Fund by HB 2210) is imposed. The assessment is not subject to surcharge.
- Alcohol or drug screening is mandatory.
- Alcohol or drug education or treatment is discretionary.

Second Offense OUI, non - extreme (§5-395.01)

- Look back period is 84 months.
- Minimum sentence is 90 days in jail, 30 of which must be served consecutively and the defendant is not eligible for probation, suspension, or execution of sentence unless the entire sentence is served. Except if the court determines the person if the court determines the defendant recklessly endangered another person with a substantial risk of physical injury, the court may suspend all but 30 days if the defendant completes a court ordered

alcohol or drug screening, education or treatment program.

- Minimum fine is \$500.
- Mandatory thirty hours of community restitution, however if the defendant fails to complete the community restitution alternative sanctions may be imposed.
- An additional assessment of \$1,250 for the prison construction fund is imposed. The assessment is not subject to surcharge.
- An additional assessment of \$1,250 for the state general fund (changed to the Public Safety Equipment Fund by HB 2210) is imposed. The assessment is not subject to a surcharge.

Blood Alcohol Testing (§5-395.02, 5-395.04)

- OUI breath testing rules are corresponded to that of DUI.
- Removes DHS as a certifying agency.
- Changes the observation period to 15 minutes.

Implied Consent (§5-393.03)

- Sanction for refusal is repealed

Aggravated OUI (§5-396)

- Aggravated OUI, a Class 6 felony is established; if a person under 15 years of age is aboard the motorized watercraft and either:
 - The person recklessly endangers another,
 - Has a prior OUI,
 - Commits an Extreme OUI.
- Look back period is 84 months.
- Penalties for OUI with a child in the boat are the same as those of the underlying misdemeanor offense.
- Minimum fine is \$750.
- An additional assessment of \$250 assessment for the DUI abatement fund imposed.
- An additional assessment of \$1,500 for the prison construction fund is imposed. The assessment is not subject to surcharge.
- An additional assessment of \$1,500 for the state general fund (changed to the Public Safety Equipment Fund by HB 2210) is imposed. The assessment is not subject to surcharge.
- Aggravated OUI based upon two prior convictions is a Class 4 Felony.

Extreme OUI (5-397)

- Extreme OUI is divided into two paragraphs, a BAC of .15 - and .20 (§5-397A1) and .20 or more (§5-397A2).
- A person convicted of a violation of §5-397A1 must serve no less than 30 days in jail, and is not eligible for probation, suspension, or execution of sentence until the entire sentence is served. The judge may suspend all but 10 days of the sentence if the person

completes a court ordered alcohol or other drug screening, education, or treatment program.

- A person convicted of §5-397A2 must serve no less than 45 consecutive days in jail and is not eligible for probation, suspension, or execution of sentence until the entire sentence is served.
- Minimum fine for Extreme OUI (§5-397A1) is \$250,
- Minimum fine for Extreme OUI (§5-397A2) is \$500.
- An additional assessment of \$250 for the DUI abatement fund imposed.
- Optional community restitution.
- An additional assessment of \$1,000 for the prison construction fund is imposed. The assessment is not subject to surcharge.
- An additional assessment of \$1,000 for the state general fund (changed to the Public Safety Equipment Fund by HB 2210) is imposed. The assessment is not subject to surcharge.

Second offense Extreme OUI – (§5-397)

- Look back period is 84 months
- If a person is convicted of Extreme OUI with a prior under §5-397A1, the person must serve no less than 120 days in jail, 60 days of the sentence must be served consecutively. The judge may suspend all but 60 days of the sentence if the person completes a court ordered alcohol or drug screening, education, or treatment program.
- If the person is convicted of Extreme OUI with a violation of §5-397A2, the person must serve no less than 180 days in jail and 90 days must be served consecutively.
- Minimum fine for OUI (§5-397A1) violation is \$500
- Minimum fine for OUI (§5-397A2) is \$1,000.
- An additional assessment of \$250 assessment for the DUI abatement fund imposed.
- Mandatory 30 hours of community restitution. If the person fails to complete community restitution the court may impose alternative sanctions.
- An additional assessment of \$1,250 for the prison construction fund is imposed. The assessment is not subject to surcharge.
- An additional assessment of \$1,250 for the state general fund (changed to the Public Safety Equipment Fund by HB 2210) is imposed. The assessment is not subject to surcharge.

Other provisions

- Extends the look back period for DUI committed by a juvenile to 84 months, (§8-343).
- A member of the DUI oversight council may serve consecutive terms as chair (§28-1303).
- Additional monies are deposited into the DUI abatement fund consisting of a percentage of the restaurant liquor license fee

and OUI assessments §28-1304).

DUI Provisions

- A driver license or privilege suspended pursuant to the implied consent law may only be reinstated following the period of suspension if the violator completes alcohol or other drug screening ordered by the department (MVD). (§28-1321)
- Splits Extreme DUI into two paragraphs (A1 and A2) in order to resolve the ambiguity in current statute as to a BAC of .15 - and .20 (§28-1382 A1) and .20 or more (§28-1382 A2).
- Resolves the sentencing conflict in Chapters 195 and 219 from last year by removing the authority of the judge to suspend any of the minimum jail sentence in an extreme DUI (§28-1382 E is repealed).
- The judge may order alternative sanctions if a person fails to complete mandatory community restitution and the court determines alternative sanctions more appropriate (§28-1387).
- After conviction of a DUI, the court may accept evidence of a person's completion of an alcohol or other drug screening, education or treatment program ordered by MVD as sufficient to meet the criminal statutory requirements, or the court may order the person to complete additional alcohol or drug screening, education, or treatment §28-1387).
- If a person previously completed alcohol or drug screening the judge must order the person to complete an alcohol or other drug screening, education, or treatment program unless the court deems that alternative sanctions are more appropriate (§28-1387).
- Enacts mandatory alcohol or drug screening provisions tied to administrative per se (§28-1445).
- Authorizes the court to request ignition interlock device results from the installer of the device (§28-1461).

Administrative Per se (§28-1385)

- Expands the Administrative per se law to include arrests for homicide, endangerment and aggravated assault involving a motor vehicle and also to include situations where the blood test result is unavailable at the time of test.
- Requires the BAC test result, if it is unavailable at the time of test, to be forwarded to MVD before the administrative hearing.
- Adds to the content of the pending order of suspension:
 - The person's driving privilege cannot be reinstated unless the person completes alcohol or other drug screening.
 - Information on alcohol or other drug education and treatment programs that are provided by a facility approved by DHS.
- MVD may reinstate the person's driving privilege, license, permit or right to apply for license following the suspension only if the violator completes alcohol or other drug screening (also §28-

1445).

- Requires the person who is ordered to complete alcohol or other drug screening to report completion to MVD and to pay the costs involved with the screening.
- Requires a person who caused a death and whose license was administratively suspended to serve the entire 90 day license suspension.
- Requires MVD to notify the person in writing of the results of the blood or breath alcohol test and pending actions if the officer does not serve a pending order of suspension.

Statute Impacted: A.R.S. § 4-213, 5-302, 5-321.01, 5-349, 5-391, 5-395, 5-395.01, 5-395.02, 5-395.03, 5-395.04, 5-396, 5-397, 8-343, 9-499.07, 11-459, 28-1303, 28-1304, 28-1321, 28-1382, 28-1385, 28-1387, 28-1402, 28-1403, 28-1442, 28-1461, 28-3319, 41-1651

Statute created: A.R.S. §28-1445

Court Impact: See the new BUI, DUI, & FUI chart post separately on the supreme court website for sentencing provisions.

Conforms OUI in most circumstances to DUI offenses including an 84 month look back period. Adds a class 6 felony for person who flee or attempt to elude a appropriately marked law enforcement watercraft. Removes the civil penalty for refusing a test or tests of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content. Separates offenses for extreme DUI into separate categories for .15 or more and less than .20 and .20 or more. Adds separate provisions for department to order alcohol screening for admin per se violations. The court may accept evidence the person completed alcohol or other drug screening, education or treatment program pursuant to the department order as sufficient to meet the requirements of this section or may order the person to complete additional alcohol or other drug screening, education or treatment programs. If a person has previously been ordered to complete an alcohol or other drug screening, education or treatment program pursuant to this section, the judge shall order the person to complete an alcohol or other drug screening, education or treatment program unless the court determines that alternative sanctions are more appropriate. If a person fails to complete the community restitution ordered pursuant to section 28-1381, subsection k or section 28-1382, subsection e, the court may order alternative sanctions if the court determines that alternative sanctions are more appropriate.

Chapter 258

SB1165

Effective Date
General

Item of interest to:

SALVAGE TITLE; STOLEN VEHICLE TITLE
Sen. Gorman

In pertinent part, renumbers A.R.S. § 28-2091(L) to §28-2091(M). This statute makes it a Class 1 misdemeanor for a person to sell a vehicle with a certificate of title if the person has actual knowledge that the air bag, air bag module or components of the vehicle's air bag system compromising the functional integrity of the air bag system deployed or were removed from the vehicle and the person, with the intent to conceal

<p>Superior Court: Court Administrator</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p> <p>Administrative Office of the Courts</p>	<p>this information, fails to disclose this to the buyer before the sale is complete.</p> <p>Statute Amended: A.R.S. §28-2091</p> <p>Court Impact: Renumbers A.R.S. § 28-2091(L) to §28-2091(M), a class 1 misdemeanor. The change requires the court to update their automation system. Defines "Stolen vehicle certificate of title."</p>
<p>Chapter 273</p> <p>SB1053</p> <p>Effective Date Emergency 6/19/2008</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Clerk Justice of the Peace</p> <p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p> <p>Administrative Office of the Courts</p>	<p>ELECTIONS; COUNTING CENTER; OBSERVATION Sen. Chuck Gray</p> <p>In pertinent part, transfers A.R.S. § 1-261 to § 19-113. This statute makes it a Class 1 misdemeanor for a person to knowingly give or receive anything of value for signing a statement withdrawing the person's signature from a petition for candidate nomination, initiative, referendum or formation/modification of a county, municipality or district. Any court action challenging the nomination of a candidate to fill a vacancy in the office of United States Senator or Representative in Congress must be filed by 5:00pm on the 5th business day after the last day for filing of nomination papers and petitions. The superior court must hear and render a decision on the challenge within five days of the filing. Effective date is subject to Department of Justice approval through preclearance process.</p> <p>Statute Transferred: A.R.S. §1-261 to §19-113</p> <p>Court Impact: Transfers and renumbers A.R.S. § 1-261 as A.R.S. § 19-113, a class 1 misdemeanor. The change requires the court to update their automation system. Requires the superior court shall hear and render a decision within five days after the filing of the action challenging the nomination of a candidate to fill a vacancy occurring in the office of United States senator or representative in Congress. Preclearance by the Department of Justice is due 8/29/08.</p>
<p>Chapter 274</p> <p>SB1153</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer</p>	<p>IMPROVISED EXPLOSIVE DEVICE; DEFINITION Sen. Chuck Gray</p> <p>The definition of "simulated explosive device" now includes "improvised explosive device" which is defined as a device that incorporates explosives or destructive, lethal, noxious, pyrotechnic or incendiary chemicals and is designed to destroy, disfigure, terrify or harass. The penalty for misconduct involving a simulated explosive device is increased from a Class 1 misdemeanor to a Class 5 felony.</p> <p>The definition of "prohibited weapon" is expanded to include:</p>

<p>Clerk of Court Court Administrator Judge Clerk</p>	<ul style="list-style-type: none"> • An improvised explosive device as well as any combination of parts or materials designed and intended for making or converting an improvised explosive device. • Rupture or bursting or an explosion or detonation of a chemical or combination of chemicals, compounds or materials. • A chemical or combination of chemicals, compounds or materials (including dry ice) used to generate a gas to cause a mechanical failure. <p>If a misconduct involving prohibited weapons violation involves dry ice, the person must have knowingly possessed the dry ice with the intent to cause injury to or death of another person or to cause damage to the property of another person.</p> <p>Statute Amended: A.R.S. §13-3101, 13-3102, 13-3110 and 13-3112</p> <p>Court Impact: The penalty for conduct involving a simulated explosive device in A.R.S. § 13-3100(A) is increased from a Class 1 misdemeanor to a Class 5 felony. The change requires the court to update their automation system. The bill also expands the definition of prohibited weapon.</p>
<p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	
<p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p>	
<p>Administrative Office of the Courts</p>	
<p>Chapter 276</p> <p>SB1332</p> <p>Effective Date General</p>	<p style="text-align: center;">DNA TESTING; ARREST Sen. Chuck Gray</p> <p>The court, at initial appearance, is required to order a DNA sample be collected if the defendant appears on a summons and has been charged with an enumerated offense. The change is intended to eliminate collection of duplicate samples. For juveniles, the judicial officer at an advisory hearing where the juvenile appeared on a summons is required to order the juvenile to report and provide a DNA sample within 5 days to the law enforcement agency that arrested the juvenile for one of the now clarified enumerated offenses. If the juvenile does not comply, the court is required to revoke the juvenile's release.</p> <p>Statute Amended: A.R.S. §13-610, 13-3967</p> <p>Court Impact: Requires the court to order defendants or juveniles summoned to appear that have been charged with an enumerated offense to provide a DNA sample to law enforcement within 5 days of the order. If the person does not comply with the order the court is required to revoke the person's release.</p>
<p>Item of interest to:</p>	
<p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p>	
<p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	
<p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p>	
<p>Administrative Office of the Courts</p>	
<p>Chapter 277</p>	<p style="text-align: center;">DISCIPLINARY RECORDS; OPEN TO INSPECTION Rep. Paton</p>

<p>HB2159</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk Jury Commissioner/Manager</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk Jury Commissioner/Manager</p> <p>Municipal Court: Court Administrator Judge/Magistrate Clerk Jury Commissioner/Manager</p> <p>Administrative Office of the Courts</p>	<p>All public bodies are required to maintain all records necessary to ensure an accurate knowledge of disciplinary actions of any public officer or employee. These records are open to inspection and available for copying unless specifically prohibited by law, including employee responses to disciplinary actions.</p> <p>Statute Impacted: A.R.S. § 39-128</p> <p>Court Impact: Rule 123, RASC, makes disciplinary records of the court confidential.</p>
<p>Chapter 278</p> <p>HB2453</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p>Administrative Office of the Courts</p>	<p>CHILDREN; OPEN COURT PROCEEDINGS Rep. Paton</p> <p>All court proceedings related to dependency, permanent guardianship and termination of parental rights are open to the public. The court may close a proceeding for good cause or open a previously closed proceeding upon request. The factors to be considered by the court when determining the closure of a proceeding are enumerated in statute. The court may find an individual in contempt for disclosure of identifying information of a child, sibling or parent.</p> <p>Statute Created: A.R.S. §8-525</p> <p>Court Impact: Establishes a presumption that court proceeding related to dependency, permanent guardianship and termination of parental rights are open to the public. The court must explain to the parties present that they are prohibited from disclosing any information that may identify the child and the child's siblings, parents, guardians and caregivers, and any other person whose identity will be disclosed during the proceeding. Explain contempt of court to the attendees and the possible consequences of violating an order of the court. The court may</p>

	close the proceeding for good cause as enumerated in the statute.
<p>Chapter 279</p> <p>HB2454</p> <p>Effective Date General</p>	<p align="center">PUBLIC RECORDS; CPS INFORMATION</p> <p align="center">Rep. Paton</p> <p>The list of people to whom CPS information must be provided is expanded to include law enforcement, a prosecutor, and an attorney or guardian ad litem representing a child victim of crime. The list of reasons why information must be provided is expanded to include information to a defendant after a criminal charge has been filed as required by an order of the criminal court. CPS is required to promptly provide information to the public pertaining to child abuse, abandonment or neglect that resulted in a fatality or near fatality.</p>
<p>Item of interest to:</p>	
<p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk</p>	<p>CPS is required to promptly release any requested information and to consult with the county attorney's office as to whether or not releasing such information would cause a specific, material harm to a criminal investigation. CPS is prohibited from releasing information if the county attorney demonstrates that release would cause specific, material harm to a criminal investigation or if the release if it would violate federal law, would likely endanger the safety of any person, or would violate the privacy rights of a child victim of crime.</p>
<p>Administrative Office of the Courts</p>	<p>Any person may file an action in superior court if the person believes that the county attorney has failed to demonstrate the specific, material harm to a criminal investigation and request the court to take an in camera review and order disclosure of the information. A person who has been denied CPS information, or is not specifically authorized to obtain information, may bring a special action in the superior court to order the department to release the information. The court must take all reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of child victims of crime.</p>
	<p>CPS information provided to a legislator pursuant to statute may only be further disclosed as enumerated in statute.</p> <p>The court may release CPS information to a person not specifically authorized only if it determines that the rights of the parties seeking the information outweigh the rights of the parties who are entitled to confidentiality.</p> <p>Statute Amended: A.R.S. § 8-807</p> <p>Court Impact:</p> <p>Requires information be provided to a defendant after a criminal charge has been filed as required by an order of the criminal court.</p> <p>Any person may file an action in superior court if the person believes that the county attorney has failed to demonstrate the specific, material harm to a criminal investigation and request the court to take an in</p>

camera review and order disclosure of the information. A person who has been denied CPS information, or is not specifically authorized to obtain information, may bring a special action in the superior court to order the department to release the information. The court must take all reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of child victims of crime.

A person who has been denied CPS information regarding a fatality or near fatality caused by abuse, abandonment or neglect may bring a special action pursuant to section 39-121.02 in the superior court to order the department to release that CPS information. The department or a person who is not specifically authorized by this section to obtain CPS information may petition a judge of the superior court to order the department to release cps information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and shall balance the rights of the parties who are entitled to confidentiality pursuant to this section against the rights of the parties who are seeking the release of the CPS information. The court may release otherwise confidential cps information only if the rights of the parties seeking the CPS information and any benefits from releasing the cps information outweigh the rights of the parties who are entitled to confidentiality and any harm that may result from releasing the cps information.

Courts should be aware of the technical change that renumbers A.R.S. § 8-807(S) as A.R.S. § 8-807(T) and A.R.S. § 8-821(H) as A.R.S. § 8-821(G).

Chapter 280

HB2455

Effective Date
General

Item of interest to:

Superior Court:
Chief Probation Officer
Clerk of Court
Court Administrator
Judge
Clerk

**Administrative Office
of the Courts**

CHILD PROTECTIVE SERVICES; RECORDS; DUTIES
Rep. Paton

In providing services to the child and the family, the court must consider any criminal prosecution relating to the offenses which led to the child's removal from the home as well as any orders of the criminal court. Such information may be provided by law enforcement or the county attorney.

The list of people to whom CPS information must be provided is expanded to include law enforcement, a prosecutor, and an attorney or guardian ad litem representing a child victim of crime. The list of reasons why information must be provided is expanded to include information to a defendant after a criminal charge has been filed as required by an order of the criminal court. CPS is required to promptly provide information to the public pertaining to child abuse, abandonment or neglect that resulted in a fatality or near fatality.

CPS is required to promptly release any requested information and to consult with the county attorney's office as to whether or not releasing such information would cause a specific, material harm to a criminal investigation. CPS is prohibited from releasing information if the county attorney demonstrates that release would cause specific, material harm to a criminal investigation or if the release if it would violate federal law, would likely endanger the safety of any person, or would violate the

privacy rights of a child victim of crime.

Any person may file an action in superior court if the person believes that the county attorney has failed to demonstrate the specific, material harm to a criminal investigation and request the court to take an in camera review and order disclosure of the information. A person who has been denied CPS information, or is not specifically authorized to obtain information, may bring a special action in the superior court to order the department to release the information. The court must take all reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of child victims of crime.

The court may release CPS information to a person not specifically authorized only if it determines that the rights of the parties seeking the information outweigh the rights of the parties who are entitled to confidentiality.

All CPS files, records, reports and other papers compiled are subject to disclosure. CPS training must include knowledge of a child's rights as a victim of crime. CPS must investigate all complaints of "criminal conduct" formerly "extremely serious conduct."

For each county, the county attorney, sheriff, chief law enforcement officer and the CPS shall develop, adopt and implement protocols to guide the investigation regarding allegations involving criminal conduct.

Statute Amended: A.R.S. §8-304, 8-541, 8-542, 8-801, 8-802, 8-807, 8-817, 8-821, 8-846

Court Impact: A person who has been denied CPS information regarding a fatality or near fatality caused by abuse, abandonment, or neglect may file a special action (39-121.02) in superior court for release of the information. The department or a person who is not specifically authorized by this section to obtain CPS information may petition a judge of the superior court to order the department to release CPS information. The court must take all reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of child victims of crime. CPS is required to provide information to a defendant after a criminal charge has been filed as required by an order of the criminal court. The court shall consider any criminal prosecution relating to the offenses which led to the child's removal from the home and any orders of the criminal court when considering placement or reunification. Information may be provided by law enforcement or the county attorney. The department is not required by this section to disclose CPS information if, in consultation with the county attorney, the county attorney demonstrates that disclosure would cause a specific, material harm to a criminal investigation. Courts should be aware of the effect of this bill that makes technical changes renumbering A.R.S. § 8-807(S) as A.R.S. § 8-807(T) and A.R.S. § 8-821(H) as A.R.S. § 8-821(G). The change requires courts to update their automation system.

<p>Chapter 281</p> <p>HB2823</p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p style="background-color: yellow;"> </p> <p style="background-color: lightgreen;"> </p> <p style="background-color: gray;"> </p>	<p style="text-align: center;">PATIENT CARE; PRESUMPTIONS Rep. Stump</p> <p>Any surrogate who is not the agent or guardian of a patient is prohibited from making decisions to withdraw artificial administration of food or fluid. The court is required to enter a temporary order directing compliance with this provision on the filing of any petition to determine the validity or effect of a health care directive or decision of a surrogate. Notice of the order must be provided by personal service on the surrogate, patient, health care providers immediately responsible for the patient's care and any other persons required to be notified by the court.</p> <p>Statute Amended: A.R.S. §36-3203, 36-3206, 36-3231</p> <p>Court Impact: Allows the filing of a petition in superior court questioning the validity or effect of a health care directive or the decision of a surrogate to make health care decisions for an incapacitated person.</p>
<p>Chapter 282</p> <p>SB1412</p> <p>Effective Date Delayed 01/01/2009</p> <hr/> <p>tem of interest to:</p> <p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p> <p style="background-color: yellow;">Justice Court: Court Administrator Justice of the Peace Clerk</p> <p style="background-color: lightgreen;">Municipal Court: Court Administrator Judge/Magistrate Clerk</p> <p style="background-color: gray;"> </p>	<p style="text-align: center;">BIOLOGICAL EVIDENCE; RETENTION; PRESERVATION Sen. Huppenthal</p> <p>The court is required to order an arrestee to provide fingerprints if the person is arrested for an offense listed in § 41-1750 (C) and arresting authority files a petition alleging the individual refuses to be printed.</p> <p>The appropriate governmental entity is required to retain all identified biological evidence that is secured in connection with a felony sexual offense or homicide in a condition that is suitable for DNA testing for the amount of time that a person remains incarcerated for the offense or until the completion of the person's supervised release or for 55 years or until a person is convicted of the crime and remains incarcerated or under supervised release if the case is a cold case. The retained biological evidence must be made available for post conviction DNA testing. Governmental entities are not prohibited from disposing of evidence in cases where a conviction has been obtained after the expiration of the defendant's sentence.</p> <p>The discretion of a governmental entity with regards to the conditions under which the biological evidence is retained, preserved or transferred among different entities is not limited. Governmental entities may dispose of bulk physical evidence after the conclusion of the convicted defendant's direct appeal and first post conviction relief proceeding if no other law requires the biological evidence be retained, the county attorney and the Attorney General agree and written notice is given to the defendant, the victim and any counsel of record.</p> <p>Statute Created: A.R.S. §13-3890, 13-4221</p> <p>Court Impact: Courts should be aware of the effect of this bill that</p>

	<p>establishes A.R.S. §13-3890 that requires the court to order a defendant arrested for an offense enumerated under 41-1750(C) to appear for fingerprinting on petition of the arresting authority or custodial agency stating that the person refused to provide legible fingerprints. The change requires courts to update their automation system. Places restrictions on the disposal of biological evidence.</p>
<p>Chapter 286</p> <p>HB2210</p> <p>Effective Date Conditional 09/26/2008</p>	<p align="center">BUDGET RECONCILIATION; CRIMINAL JUSTICE Rep. Burns</p> <p>Numerous statutory and session law changes relating to the justice system in order to comply with the FY 2009 budget outlined in HB 2209 are enacted. In pertinent part, HB 2210 does the following:</p>
<p>Item of interest to:</p>	
<p>Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk Jury Commissioner/Manager</p>	<p>Filing Fees</p> <ul style="list-style-type: none"> Increases civil filing fees in Justice of the Peace (JP) courts and superior courts by 44% and directs a portion of JP filing fees to the Elected Officials' Retirement Plan (EORP). Copy fees remain at the current statutory amount of \$0.50. The Supreme Court is also permitted to increase these civil fees in the future in an amount not to exceed inflation. Allows the Supreme Court to increase various appellate fees.
<p>Justice Court: Court Administrator Justice of the Peace Clerk Jury Commissioner/Manager</p>	<p>Time Payment Fee</p> <ul style="list-style-type: none"> Repeals the statute that would have returned the Time Payment Fee (TPF) to \$12 on January 1, 2010. In effect, this will continue the TPF at \$20 indefinitely.
<p>Municipal Court: Court Administrator Judge/Magistrate Clerk Jury Commissioner/Manager</p>	<p>Probation; GPS</p> <ul style="list-style-type: none"> Allows the court to impose a fee on any probationer required to be on global position monitoring (GPS) for a violation of A.R.S. § 13-604.01 (dangerous crimes against children). The fee is intended to offset the cost of the GPS monitoring and must be deposited in the county's Adult Probation Services Fund. HB 2210 requires the Administrative Office of the Courts to charge the county's APS Fund an amount established annually by the AOC to cover a proportional share of the cost of providing GPS monitoring services.
<p>Administrative Office of the Courts</p>	
	<p>Court Opinions</p> <ul style="list-style-type: none"> Removes the statutory language requiring the Supreme Court to cover the cost of publishing court opinions for specific agencies. Keeps language that allows any entity to request a copy of opinions as long as the entity pays the contracted price for the copy.

JP Salaries

- Continues to fund the state share of JP salaries at 38.5%, requiring the county to cover the other 61.5%.
- Requires the presiding judge of each court to charge a person attending defensive driving school a \$45.00 surcharge. The defensive driving school is required to transmit the surcharge to the state treasurer for deposit in the state general fund.

OUI/DUI

- Allocates the portion of the assessment currently deposited in the state general fund to the newly created public safety and equipment fund.

Extreme DUI

- Resolves the sentencing conflict in Chapters 195 and 219 from last year by removing the authority of the judge to suspend any portion of the minimum jail sentence in an extreme DUI. Note that Chapter 256 contains an identical provision with a delayed effective date of January 1, 2009, however, with Chapter 286 this provision is effective on September.

Photo Enforcement, Service of Citation, Court Diversion

- The DPS is required to enter into a contract or contracts with vendors to establish a state photo enforcement system.
- Enforcement is related to Title 28, Chapter 3, Article 3 (§28-641 – 28-654) and Article 6 (§28-701 – 28-710).
- Civil Penalty for violating one of the above sections cited through the photo enforcement system is \$165.
- No surcharge is imposed except the 10% clean elections surcharge required by the Arizona Constitution.
- The citations are not included in judicial productivity credits until July 1, 2009.
- A photo enforcement fund is established consisting of penalties paid on citations or notices of violation issued through the system.
- \$250,000 is appropriated to DPS each quarter, the remainder is deposited in the state general fund.
- MVD is prohibited of using a finding of responsibility on a citation or notice of violation cited through the system in determining whether a person's driver license should be suspended or revoked
- A court is prohibited from transmitting the abstract of a finding of responsibility of the violations to MVD.
- Permits a civil violation issued pursuant to §41-1722 to be issued through a notice of violation.
- If a person fails to respond to the notice of violation or denies responsibility a citation is filed into the applicable court.

- The Supreme Court is required to establish rules governing the issuance, service and processing of the notice of violation, including rules allowing a person to admit responsibility before a citation if filed into court.

Photo enforcement fund; appropriation

- \$4,056,600 is appropriated to the AOC for the processing of state photo enforcement citations.
Court diversion fee

Court diversion fee

- Requires the presiding judge of each court to charge a \$45.00 surcharge if a person attends defensive driving school.
- The driving school must collect the surcharge and transmit it to the state treasurer for deposit in the state general fund.

Statutes Amended: A.R.S. §5-395.01, §5-395.01 as amended by Laws 2008, 5-396, 5-397, 12-108, 12-119.01, 12-267, 12-284 as amended by Laws 2008, 13-902, 22-281, 28-1381, 28-1382, 28-1383, 28-1593, 28-3396, 28-8284, 28-8286, 28-8287, 28-8288, 38-810 as amended by Laws 2008, 41-3541, 41-3542, 41-3014.16, Laws 2000, Ch. 293, §598, Laws 2000, Ch. 193, §599

Statutes Created: A.R.S. §41-1722, 41-1723

Statutes Repealed: A.R.S. §12-116, as amended by Laws 2006, Ch. 369, §2, 28-1382 as amended by Laws 2007, Ch. 195, §3

Court Impact: Increases fees in the superior and justice court and allows the supreme court to increase the fees in the future in an amount not to exceed the consumer price index based on the increase in CPI from the last calendar year in which the last increase occurred. Provides for distribution of justice court fees based on county population. Also allows the supreme court to adjust the fees charged for filing in the supreme court. Requires the AOC to charge each probation department a proportional fee to cover the cost of monitoring devices required by 13-902. The charges are offset by fees imposed on the probationer. Continues the time payment fee at the current \$20 level indefinitely and the state share of JP salaries at 38.9%. Requires the presiding judge of a court to establish an additional \$45 surcharge for attendance at a defensive driving school. The fee to be collected by the school for deposit with the state treasurer.

Establishes a statewide photo enforcement program for civil traffic violations. The violation may be disposed of prior to the complaint being filed in court according to rules established by the supreme court. Allows a person paid to act on behalf of a traffic enforcement agency to issue the traffic complaint. Requires DPS to select a vendor for the statewide photo enforcement system, prescribes a penalty of \$165 plus a 10% surcharge for clean elections, establishes a photo enforcement fund and prohibits these violations from being reported to MVD. Also establishes

	<p>the Public Safety Equipment Fund and amends OUI, DUI and FUI statutes to provide extra assessments formerly sent to the general fund to be sent to the Public Safety Equipment Fund. Prohibits state photo enforcement citations from be included in justice court judicial productivity credit calculations for fiscal year 2008-2009.</p> <p>Establishes a new receivable for fees imposed on probationers sentenced for a dangerous crime against children for GPS monitoring. Courts should be aware of the effect of this bill prohibiting disposition reporting to MVD. The changes require courts to update their automation system. A.R.S. § 5-395.01 has a delayed effective date of 1/1/09.</p>
<p>Chapter 288</p> <p>HB2275</p> <p>Effective Date General</p>	<p align="center">BUDGET RECONCILIATION; HEALTH</p> <p align="center">Rep. Hershberger</p>
<p>Item of interest to:</p>	<p>In pertinent part, and beginning January 1, 2010, a process of certification is established for persons employed as behavior analysts conducting habilitation for individuals with Autism Spectrum Disorder. The Board of Psychologist Examiners may petition the superior court to enjoin a non-licensed person from practicing behavior analysis or any actions by a licensee that are of immediate threat to the public.</p>
<p>Superior Court: Clerk of Court Court Administrator Judge Clerk</p>	<p>Acts of engaging in behavior analysis without proper licensure, securing a license by fraudulent means, impersonating a board member in order to issue a license, and using any combination of words, initials, or letters in order to give the appearance that one is licensed as a behavioral analyst are criminalized and classified as a Class 2 misdemeanor.</p>
<p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	<p>In cases where the state pays the costs of a defendant's inpatient restoration to competency treatment, HB2275 continues to require Pima County, Maricopa County and all cities to reimburse the Department of Health Services for 86% of the cost for the treatment services in fiscal year 2009.</p>
<p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p>	
<p>Administrative Office of the Courts</p>	<p>Statutes Amended: A.R.S. § 32-2065, 36-2901.03, 36-2912 Statutes Created: A.R.S. §36-2912.04, 36-2981.01, 41-3016.28 Statutes Repealed: A.R.S. §41-3008.16</p>
	<p>Court Impact: Courts should be aware of the effect of this bill that establishes A.R.S. § 32-2091.12 (A), (B)(1), (B)(2), & (C), as class 2 misdemeanors for acts of engaging in behavior analysis without proper licensure, securing a license by fraudulent means, impersonating a board member in order to issue a license, and using any combination of words, initials, or letters in order to give the appearance that one is licensed as a behavioral analyst. The change requires courts to update their automation system.</p> <p>Allows the Board of Psychologist Examiner to file a petition in superior court to enjoin a non-licensed person from practicing behavior analysis or any actions by a licensee that are of immediate threat to the public.</p>

<p>Chapter 294</p> <p>SB1167</p> <p>Effective Date Delayed 1/1/2009</p>	<p align="center">USER FEES; OFF-HIGHWAY VEHICLES Sen. Linda Gray</p> <p>In pertinent part, the current off-highway vehicle (OHV) violation section is expanded by making it a Class 3 misdemeanor for a person to drive an OHV:</p>
<p>Item of interest to:</p>	
<p>Superior Court: Court Administrator</p>	<ul style="list-style-type: none"> • Off an existing road, trail or route in a manner that causes damage to wildlife habitat, riparian areas, cultural or natural resources or property improvements
<p>Justice Court: Court Administrator Justice of the Peace Clerk</p>	<ul style="list-style-type: none"> • On roads, trails, routes or areas closed as indicated in rule or by proper posting (if private land) • Over unimproved roads, trails, routes or areas unless driving on roads, trails, routes or areas where driving is allowed • In a manner that damages the environment (as specified)
<p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p>	<p>It is also a Class 3 misdemeanor to:</p>
<p>Administrative Office of the Courts</p>	<ul style="list-style-type: none"> • Fail to drive an OHV on a road, trail, route or area opened as indicated by the governing entity • Place or remove a regulatory sign governing OHV use, if the person is not authorized to do so.
	<p>OHVs are required to be equipped with specific devices relating to safety and noise dissipation. A violation of the equipment requirements is classified as a civil traffic violation. Any person that owns an OHV, all-terrain vehicle or off-road recreational motor vehicle must apply for a license plate for the vehicle.</p> <p>Statute Amended: A.R.S. § 32-2065, 36-2901.03, 36-2912 Statutes Created: A.R.S. §36-2912.04, 36-2981.01, 41-3016.28 Statutes Repealed: A.R.S. § 28-1171, 28-1174, 28-1175, and 28-1176</p> <p>Court Impact: A number of restrictions relating to driving off highway vehicles are added to Title 28 Courts should be aware of the effect of this bill that adds A.R.S. § 28-1174A1 as a class 2 misdemeanor, A.R.S. § 28-1174A2-A4, B, C and D as class 3 misdemeanors, A.R.S. § 28-1179A1-A5 and B as civil traffic violations, and A.R.S. § 28-2512A as a civil traffic violation. All (off highway) violations of Title 28, Chapter 3, Article 20 not classified as misdemeanors are civil traffic offenses, see A.R.S. § 28-1181. The changes require courts to update their automation system.</p>
<p>Chapter 296</p> <p>SB1354</p> <p>Effective Date General</p>	<p align="center">ACCOMPLICE LIABILITY Sen. Pesquiera</p> <p>The definition of accomplice liability is expanded to include any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.</p>

Item of interest to:	Statute Amended: A.R.S. §13-301, 13-303
Superior Court: Chief Probation Officer Court Administrator Judge Clerk	Court Impact: Informational, adds language that clarifies when a defendant is criminally accountable as a accomplice to include any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.
Justice Court: Court Administrator Justice of the Peace Clerk	
Municipal Court: Court Administrator Judge/Magistrate Clerk	
Administrative Office of the Courts	
<p style="text-align: center;">Chapter 298</p> <p style="text-align: center;">SB1476</p> <p style="text-align: center;">Effective Date General</p>	PROBATION; FACILITIES; SAFE COMMUNITIES ACT SEN. HUPPENTHAL
Item of interest to:	<p>An earned time credit (ETC) option is established for probation. The court may adjust a probationer's period of probation for ETC in the amount of 20 days for every 30 days that a probationer meets specific progress-related requirements. Offenders that are on probation for a Class 2 or Class 3 felony, exclusively on probation for a misdemeanor, on lifetime probation or required to register as sex offenders are not eligible for ETC under SB 1476. The ETC option does not affect the ability of the court to terminate probation early pursuant to A.R.S. 13-901 (E). The ETC section of the bill becomes effective January 1, 2009 to allow for rulemaking and is applicable to anyone on probation from and after the effective date of the act (9/26/08).</p>
Superior Court: Chief Probation Officer Clerk of Court Court Administrator Judge Clerk	Fiscal Incentives
	Appropriates, beginning in fiscal year (FY) 2011, 40% of the savings achieved by reducing probation revocations resulting in sentences to the Arizona Department of Corrections (ADC) to each county if there is also a reduction in the number of supervised probationers convicted of a new felony offense in that county. SB 1476 outlines the process for calculating the savings and specifies how the appropriated savings must be used. Monies appropriated as savings cannot be used to supplant any other state or county appropriation for probation. A joint report from ADC and the Administrative Office of the Courts containing specific data relating to probation revocations and convictions of new offenses by probationers is due by October 1 of each year and an Auditor General performance audit of the new program must be completed by June 30, 2014.
Administrative Office of the Courts	Statute Amended: A.R.S. §12-267
	Court Impact: Allows the court to adjust the time on supervised

	<p>probation for earned time credit if a probationer; exhibits progress toward the goals and treatment of the probationer's case plan, is current on payments for court ordered restitution and other obligations and is current in completing community restitution. Any credit shall be revoked if a probationer violates a condition of probation. The credit is not available to a probationer; on lifetime probation, on probation for a class 2 or 3 felony, on probation exclusively for a misdemeanor offense or required to register as a sex offender. The Joint Legislative Budget Committee shall annually calculate the cost avoided by reducing the number of people on supervised probation. The legislature shall annually appropriate to the administrative office of the courts forty per cent of any costs that are avoided as calculated to be deposited in the adult probation services fund of each county established pursuant to section 12-267 if there is a reduction in the percentage of people from that county who are on supervised probation and who are convicted of a new felony offense as calculated in subsection a, paragraph 2 of this section. The appropriation may be used to increase the availability of substance abuse treatment programs for probationers, increase the availability of risk reduction programs and interventions for probationers, and for grants to nonprofit victim services organizations to partner with the probation department and the court to assist victims and increase the amount of restitution collected from probationers.</p>
<p>Chapter 300</p> <p>HB2194</p> <p>Effective Date Emergency 7/7/2008</p> <p>Item of interest to:</p> <p>Superior Court: Chief Probation Officer Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p> <p>Administrative Office of the Courts</p>	<p>MILITARY FACILITY; RESERVATIONS; SECURITY Rep. Nelson</p> <p>In pertinent part, the crime of "Criminal trespass on a military reservation or facility" is established, a Class 6 felony. The crime is committed when a person knowingly enters or unlawfully remains within a structure or fenced yard of a military reservation or facility. "Military reservation or facility" is defined as any land or facility that is owned or leased by or designated to the Arizona National Guard.</p> <p>Statute Impacted: A.R.S. §26-102, 41-619.51, 41-1758, 41-1758.01 Statutes created: A.R.S. §13-5001, 13-5002, 26-103</p> <p>Court Impact: Courts should be aware of the effect of this bill that establishes A.R.S. § 13-5002(A), a class 6 felony, for criminal trespass on a military reservation or facility. The change requires courts to update their automation system.</p>
<p>Chapter 301</p>	<p>SENTENCING; REORGANIZATION</p>

HB2207

Effective Date

Delayed
1/1/2009

Item of interest to:

Superior Court:

Chief Probation Officer
Court Administrator
Judge
Clerk
Jury
Commissioner/Manager

Justice Court:

Court Administrator
Justice of the Peace
Clerk

Municipal Court:

Court Administrator
Judge/Magistrate
Clerk

**Administrative Office
of the Courts**

Rep. Farnsworth

The classification and sentencing provisions of the Criminal Code (Title 13, Chapters 6 and 7) are reorganized. Statutes referring to classification of offenses are placed in Chapter 6 and statutes referring to sentencing are placed in Chapter 7. Sentencing statutes are set out in a logical sequence beginning with §13-701.

Related sentencing provisions are grouped in the same statute and unrelated provisions are grouped in separate statutes. Sentencing provisions that require a mathematical deviation from a stated sentence are replaced with a specific sentence set forth in a chart. Virtually all sentences are now written in chart form. Definitions common to multiple statutes in Title 13 are placed in one section (§13-105).

The term, "dangerous offense" is defined. Dangerous offenses and prior offenses are separated in placed in separate statutes. Multiple offenses not committed on the same occasion and exceptional aggravating and mitigating terms (now called aggravated and mitigated) are moved to the same statute as the minimum presumptive and maximum sentences for the particular series of offenses. All misdemeanor sentencing provisions are combined into one statute. Death penalty provisions are combined into one chapter.

Many of the sentencing statutes are renumbered and moved in order to achieve a logical sequence.

There are no substantive or philosophical changes to the sentencing code, with the exception of three minimum or maximum sentences that are rounded.

Statutes Impacted: A.R.S. 8-201, 8-203.01, 8-321, 8-341, 8-348, 8-350, 11-361, 11-459, 12-2703, 13-105, 13-107, 13-501, 13-502, 13-607, 13-610, 13-701, 13-702, 13-705, 13-706, 13-707, 13-708, 13-709, 13-710, 13-751, 13-752, 13-752, 13-755, 13-901.01, 13-902, 13-905, 13-906, 13-909, 13-910, 13-912.01, 13-921, 13-1104, 13-1105, 13-1204, 13-1207, 13-1212, 13-1304, 13-1307, 13-1404, 13-1405, 13-1406, 13-1410, 13-1411, 13-1414, 13-1417, 13-1423, 13-2308.01, 13-2312, 13-2411, 13-3107, 13-3113, 13-3206, 13-3212, 13-3407, 13-3407.01, 13-3408, 13-3409, 13-3411, 13-3419, 13-3422, 13-3552, 13-3553, 13-3554, 13-3560, 13-3561, 13-3601, 13-3623, 13-3716, 13-3727, 13-3821, 13-3824, 13-3828, 13-3994, 13-4032, 13-4501, 13-4511, 13-4515, 15-341, 15-512, 15-550, 20-448, 25-411, 31-281, 31-403, 31-412, 41-1604.08, 41-1604.10, 41-1604.11, 41-1604.13, 41-1604.14, 41-1604.15, 41-1604.16, 41-1609.05, 41-1758.03, 41-1967.01, 41-2814

Statutes Renumbered: A.R.S. §13-604.01, 13-604.02, 13-604.04, 13-609, 13-703, 13-703.01, 13-703.02, 13-703.03, 13-703.04, 13-703.05, 13-704, 13-705, 13-706, 13-708, 13-709, 13-713, 13-3560,

Statutes Enacted: A.R.S. §13-604, 13-703, 13-704, 13-709.01, 13-709.02, 13-709.03, 13-709.04;

Statutes Repealed: A.R.S. §13-119, 13-604, 13-604.01, 13-604.03, 13-

	<p>702.01, 13-702.02, 13-711, 13-712, 13-3821</p> <p>Court Impact: Courts should be aware of the effect of this bill that reorganizes criminal sentencing provisions in Title 13 (Chapters 6 and 7). The bill moves the Sex Offender Monitoring Fund from 13-119 to 13-3121(Q). A technical correction designates 13-3821(J) as a class 6 felony for failure to register. The changes require courts to update their automation system.</p>
<p>Chapter 305</p> <p>HB2485</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Municipal Court: Court Administrator Judge/Magistrate Clerk</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">UNLAWFUL PUBLIC SALE OF ANIMALS Rep. Jim Weiers</p> <p>In a county with a population greater than 800,000, the public sale of animals is unlawful if the sale takes place on any of the following:</p> <ul style="list-style-type: none"> • A public highway, street or park or any public property adjacent to a public highway, street or park. • Any commercial private property without the express consent of the owner or lessee of the property. <p>Exceptions are made for retail sales at pet stores, sales by charitable nonprofits organizations, and any rodeo, auction market, county fair, stock show or other sanctioned livestock exhibit event. "Animal" and "pet store" are defined. Violators are subject to a civil penalty not to exceed \$50.</p> <p>Statute Created: A.R.S. §44-1799.71</p> <p>Court Impact: Allows for a civil penalty for the public sale of animals not to exceed \$50 for a violation in a county with a population greater than 800,000.</p>
<p>Chapter 307</p> <p>HB2701</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court: Court Administrator Judge Clerk</p> <p>Justice Court: Court Administrator Justice of the Peace Clerk</p> <p>Municipal Court: Court Administrator</p>	<p style="text-align: center;">COUNTRY GRAFFITI ABATEMENT; PROCEDURES Rep. Burns</p> <p>In pertinent part, the court is permitted to order a parent or guardian of a juvenile to assist in community restitution if ordered for a second or subsequent graffiti conviction. The parent or guardian must have knowingly provided the juvenile with the means to commit the violation and been aware of the child's intent.</p> <p>Statute Amended: A.R.S. §8-341, 11-251, 11-1009</p> <p>Title(s) Impacted: Title 8 and 11</p> <p>Court Impact: Allows court to order parents that knowingly provide the means to commit the violation and who knew the child's intent to perform community restitution with the child. The violation must be a second or subsequent violation of 13-1602 for the provision to apply.</p>

Judge/Magistrate
Clerk

Administrative Office
of the Courts

Chapter 308

HB2813

Effective Date
General

Item of interest to:

Superior Court:

Clerk of Court
Court Administrator
Judge
Clerk

Justice Court:

Court Administrator
Justice of the Peace
Clerk

CIVIL ACTION; AFFIRMATIVE DEFENSE
Rep. Burns

The finder of fact in any civil action is required to find the defendant not liable if the defendant proves that the claimant was at least 50% responsible for the accident or event that caused the claimant's harm.

Statute Repealed: A.R.S. §12-712

Court Impact: Requires the court to find a defendant in a civil action not liable if the accident or event was the result of a criminal act and as a result the claimant was at least 50% responsible for the accident or event that caused the claimant's harm and the defendant did not act intentionally.