

AGENDA

ARIZONA JUDICIAL COUNCIL

JW Marriott Starr Pass Resort
3800 W. Starr Pass Blvd.

Meeting Room: Tucson G-J
Tucson, Arizona 85745

June 23, 2014

11:30 a.m. Welcome/Opening Remarks Chief Justice Rebecca White Berch

Tab No.

11:35 a.m. (1) Approval of Minutes Chief Justice Rebecca White Berch

11:40 a.m. Department of Child Safety Update Director Charles Flanagan

12:15 p.m. Lunch

Action Items:

1:00 p.m. (2) Arizona Code of Judicial Administration (ACJA)
§ 1-302: Education and Training (Amend) Mr. Jeff Schrade
§ 7-201: General Requirements (Amend) Ms. Anne Hunter

1:15 p.m. (3) Commission on Technology Vice Chief Justice Scott Bales
- FY 2015 Project Priorities Vice Chief Justice Scott Bales
- JCEF Allocations for FY 2015 Mr. Kevin Kluge

1:45 p.m. eFiling Update Mr. Marcus Reinkensmeyer

2:00 p.m. (4) ACJA 5-206: Fee Deferrals and Waivers (Amend) . Mr. Patrick Scott

2:20 p.m. (5) Case Processing Time Standards Justice Robert Brutinel

Study / Update Sessions: *Possible Adoption of Various Reports/Forms*

2:40 p.m. (6) 30th Anniversary of Arizona Friends of Ms. Tamera Shanker
Foster Children Foundation Ms. Kris Jacober

3:10 p.m. (7) Judicial Performance Review Commission Ms. Susan Edwards

- 3:40 p.m. (8) Judicial Branch Legislative Update Mr. Jerry Landau
.....Ms. Amy Love
Budget UpdateMr. Dave Byers
- 4:10 p.m. (9) Maricopa County Search Warrant.....Judge Norman Davis
Pilot Program
- 4:20 p.m. New Strategic Agenda Unveiling.....Vice Chief Justice Scott Bales
- 4:50 p.m. Call to the Public/Adjourn

*Please call Lorraine Smith
Staff to the Arizona Judicial Council
with any questions concerning this Agenda
(602)452-3301*

ARIZONA JUDICIAL COUNCIL

Request for Council Action

**Date Action
Requested:**

June 23, 2014

**Type of Action
Requested:**

Formal Action/Request

Information Only

Other

Subject:

Approval of Minutes

FROM:

Lorraine Smith, Staff to the Arizona Judicial Council

DISCUSSION:

The minutes from the March 20, 2014 meeting of the Arizona Judicial Council are attached for your review.

RECOMMENDED COUNCIL ACTION:

Approve the minutes as written.

ARIZONA JUDICIAL COUNCIL

Arizona State Courts Building
1501 W. Washington Street
Conference Room 101
Phoenix, AZ 85007

March 20, 2014

DRAFT Meeting Minutes

Council Members Present:

Chief Justice Rebecca White Berch
Jim Bruner, J.D.
David Byers
Judge Peter Cahill
Judge Rachel Torres Carrillo
Whitney Cunningham, J.D.
Judge Norman Davis
Victor Flores
Athia Hardt
Mike Hellon
Michael Jeanes
Jack Jewett
Judge Diane Johnsen

Emily Johnston
Gary Krcmarik
Judge David Mackey
William J. Mangold, M.D., J.D.
Judge John Nelson
Janet K. Regner
Judge Antonio Riojas, Jr.
Judge Sally Simmons
Judge Roxanne Song Ong
George Weisz
Judge David Widmaier

Council Members Absent (excused):

Judge Joseph Howard

Yvonne R. Hunter, J.D.

Administrative Office of the Courts (AOC) Staff Present:

Mike Baumstark
Theresa Barrett
Chad Campbell
Jennifer Greene
Susan Hunt
Jerry Landau
Amy Love
Heather Murphy

Marcus Reinkensmeyer
Lorraine Smith
Patrick Scott
Chelsea Stacey
Cindy Trimble
Kathy Waters
Mark Wilson
David Withey

Presenters and Guests Present:

Vice Chief Justice Scott Bales
Kathy Fink
Chris Green
Marty Herder
Tim LaSota
John MacDonald

Dan Maynard
Mary Meyer
Julie Ottmar
John Phelps
Jodi Rogers
Jill Smith

Chief Justice Rebecca White Berch, Chair, called the meeting to order at 10:00 a.m. in Conference Room 101 at the Arizona State Courts Building, 1501 W. Washington Street, Phoenix, Arizona. The Chair welcomed those in attendance including new Council members Judge John Nelson, Presiding Judge in Yuma County, and public members Victor Flores and Jack Jewett.

Approval of Minutes

The Chair called for any omissions or corrections to the minutes from the December 12, 2013, meeting of the Arizona Judicial Council. There were none.

MOTION: To approve the minutes from the December 12, 2013, meeting of the Arizona Judicial Council, as presented. The motion was seconded and passed. AJC 2014-01.

Arizona Code of Judicial Administration (ACJA) § 6-204.01: Interstate Compact Supervision Evidence-Based Practices (amendment)

Ms. Kathy Waters, Director of the Adult Probation Services Division for the AOC, presented the code section for the Council's review. She explained that the changes to the code section are technical in nature and include definition changes to conform to other ACJA sections, statutory language and citation clean-up, and adding Arizona State Council Policy 1.1 regarding the elimination of dual-supervision cases.

MOTION: To approve the amendments to ACJA § 6-204.01: Interstate Compact Supervision Evidence-Based Practices (amendment), as presented. The motion was seconded and passed. AJC 2014-02.

ACJA § 6-208: Use of Conducted Electrical Weapons (new)

Ms. Waters presented the code section for the Council's review. She explained that this new code establishes the protocol for the use of conducted electrical weapons (CEW) and governs the administration and authority of an officer to use a CEW for purposes of arrest and officer safety while on duty.

MOTION: To approve ACJA § 6-208: Use of Conducted Electrical Weapons (new), as presented. The motion was seconded and passed. AJC 2014-03.

ACJA § 6-307: Uniform Conditions of Juvenile Probation (new)

Mr. Chad Campbell, Director of the Juvenile Justice Services Division of the AOC, presented the code section for the Council's review. He noted that the effect of the proposal is to introduce and instill evidence-based principles, as outlined in Justice 2020.

MOTION: To approve ACJA § 6-307: Uniform Conditions of Juvenile Probation (new), as presented. The motion was seconded and passed. AJC 2014-04.

ACJA § 5-206: Fee Deferrals and Waivers

Mr. Patrick Scott, Court Management Specialist for the Court Services Division of the AOC, presented the code section and explained that most of the proposed changes were based on recommendations of a workgroup charged to discuss the various practices used by the courts in considering applications for fee deferrals and waivers.

Mr. Scott reported that the Superior Court Presiding Judges had approved revisions at their recent meeting to clarify the language on Page 3 (D.3.) that the application fee of \$27 for the deferral of waiver applies to each action or each post adjudication proceeding and on Page 5 (E.3) that would add the language "unless the court finds good cause to postpone, defer, or waive the fee."

Mr. Michael Jeanes asked about Page 4 (E.2.a.) and suggested the need for consistency and to set an amount. He suggested that on Page 5 (F.1.) that we should state that it be either a current letter or a letter valid within the last 6 months.

Mr. Dave Byers moved that ACJA § 5-206: Fee Deferrals and Waivers be approved as presented. The motion was seconded.

MOTION: To approve ACJA § 5-206: Fee Deferrals and Waivers, as presented. The motion was seconded and passed. AJC 2014-05.

Mr. Byers moved approval of the amendments provided by the Superior Court Presiding Judges to Sections D.3. and E.3. The motion was seconded.

MOTION: To approve the amendments provided by the Superior Court Presiding Judges to Sections D.3. and E.3, as presented. The motion was seconded and passed. AJC 2014-06.

A motion was made to approve the code section with the approved amendments. The motion was seconded.

MOTION: To approve ACJA § 5-206: Fee Deferrals and Waivers with the amendments provided by the Superior Court Presiding Judges to Sections D.3. and E.3. The motion was seconded and passed. AJC 2014-07.

Mr. Byers made a motion that AOC staff work with a task force of clerks, judges, and administrators to: 1) identify if the current affidavit needs to be modified to improve it and make it clearer, 2) identify best practices as to what documentation or evidence should be presented with the affidavit to enable decisions to be made to grant the waivers, and 3) once the first 2 steps are completed, that the AOC provide training to practitioners in the court system on the entire package. Chief Justice Berch clarified the motion to read “create a task force to work on implementing details and establishing best practices.”

MOTION: To create a task force to work on implementing details and establishing best practices. The motion was seconded and passed. AJC 2014-08.

ACJA § 7-206: Certified Reporter

Vice Chief Justice Scott Bales provided introductory remarks and background information on the Task Force that was charged with reviewing the regulatory needs of the profession, staff’s proposed code revisions, and industry and interested party comments.

Mr. Mark Wilson, Director of the Certification and Licensing Division for the AOC, provided information on the proposed changes to the code. He explained that staff began noticing situations in which the code did not match industry practice, and industry practice made sense. Additionally, Mr. Wilson noted that a multi-state reporting firm sued the state in Federal District Court alleging that the code section is anti-competitive. He shared 7 general areas of concern from a regulatory perspective and noted that multi-case contracts are the most controversial.

Mr. John MacDonald, Lobbyist for the Arizona Court Reporters Association, provided public comment. He thanked the Task Force for taking on this complex issue. Mr. MacDonald stated that the court reporter’s profession is rooted in the trust and confidence of the public. He noted the Association has focused on constructive dialogue, and they believe the work product contains parts that they disagree with and others that are great improvements.

Mr. MacDonald referred the Council members to the hyperlink document that was sent to them prior to the meeting, which outlined the Association’s concerns, and asked each member to take the time to read through this document and the hyperlinks. He talked

about the area of the anti-contracting provision and noted the Association remains convinced that the current provisions should remain in place to continue to protect the public. Mr. MacDonald asked the Council to take more time to figure out how disclosure will work, so that it is meaningful and all parties have that full knowledge before proceeding forward.

Mr. Mike Hellon stated that if it is important for both sides to have cost equality, then we should believe that we have the practical ability to enforce that. He also asked if it is a problem if a court reporter works for one of the litigants (contractual obligation). The Chair noted there is a need to ensure court reporter neutrality and cost fairness to both sides.

Mr. Dan Maynard, representing 12 certified Arizona court reporter firms that have had complaints filed against them, provided public comment. He stated that controversy has arisen over the anti-contracting issue, and additional regulations will lead to additional problems. Mr. Maynard stated there is no evidence that court reporters in Arizona have done anything inappropriate. He reported that a court reporter does not generally get involved in the billing unless they own the firm, so to now require that court reporters have to certify that the bill is accurate is not fair to them and is not something they normally do.

Mr. Maynard referred the Council members to the handout provided which outlined comments concerning this code section. He expressed concern with who can and can't take depositions and stated it conflicts with Rule 29 of the Arizona Rules of Civil Procedure. Mr. Maynard expressed his concern with the language concerning contractual relationship. He asked what that means and if the language means written, oral, express, or implied contracts. He stated this language will cause problems. Mr. Maynard noted that there is nothing wrong with contracts between court reporting firms and the users of those services as long as the benefit is always passed on to both sides and the court reporter is certifying that the transcript is accurate.

Mr. George Weisz asked about the nature and disposition of the complaints filed against the 12 court reporters. Chief Justice Berch stated there was a lawsuit filed against the Supreme Court claiming that our prohibition on allowing these kinds of court reporter firms with contracts was a restraint on commerce. She stated she does not know about Mr. Maynard's clients' cases. Chief Justice Berch noted that the Court's concern is to have qualified court reporters who produce quality, independent, impartial, and accurate transcripts and treat people equally. Impartiality and professionalism are also paramount concerns. She noted these concerns resulted in the creation of the task force.

Ms. Mary Meyer, Arizona Court Reporters Association, provided public comment. She stated the Association agrees with many of the Task Force recommendations and appreciates their hard work. Ms. Meyer noted that much of Mr. Maynard's concerns will be answered by implementing firm registration and having that shared accountability for impartiality and fair treatment between the court reporters, the certified reporters, and

the firms. She addressed the issue of transparency and billing and stated the benefit is not always advanced to other parties. Ms. Meyer talked about the issue of “known evasions” and stated there are known evasions that need to be dealt with within this code. She asked that the State Bar be included in the discussion if there will be a waiver or disclosure by attorneys envisioned within this constructive presumptive prohibition.

Mr. Byers asked Ms. Meyer about court reporter neutrality and other relationships being problematic, i.e., court reporters married to law firm partners who use the court reporter. He asked if she would have us ban a firm from using a spouse because of the perception. Ms. Meyer said this is currently banned in the proposed amendments to the code section, but was allowed in the original code.

Vice Chief Justice Bales made a few observations regarding the Task Force. He noted that their objective was to improve the existing rules by preserving integrity and ensuring fairness to the parties. Vice Chief Justice Bales stated that a few comments/references were made regarding the Magna lawsuit, but the Task Force was aware of it, and did not address that lawsuit one way or the other when making recommendations. He noted that no instance involving a problem with the accuracy of the transcript was brought to the Task Force’s attention, but there have been concerns raised by attorneys regarding fairness of treatment among the parties. Vice Chief Justice Bales stated that the vast number of these attorneys were in favor of the Task Force maintaining a fairly tight regulatory structure over the aspects of court reporting that don’t go specifically to the accuracy of the transcript.

Mr. Whitney Cunningham noted the State Bar was approached early on regarding this issue. He stated the matter was referred to their Ethics Committee, and their conclusion was that the resolution of this dispute does not directly impact the rules of professional conduct governing attorney behavior. He noted the State Bar has not taken a position, and he will abstain from voting in his capacity as a representative of the State Bar.

Judge David Mackey stated that this is not an issue that will ever gain unanimity among the participants, and we are faced with whether we want to continue a regulatory scheme and bring it up to current times. He recommended adoption of the Task Force recommendations. The motion was seconded.

Discussion took place regarding flawed transcripts, the 60% rule, and discounts for depositions.

Mr. Hellon stated that the Task Force collectively believes that they have made significant progress in improving the regulatory scheme. He noted that nothing is carved in stone, and there will be opportunities down the road to make changes or clarifications. Mr. Hellon stated he is in support of the recommendations.

Judge Tony Riojas suggested taking out language in Section L which would allow an attorney to prohibit the use of a reporter because of a contractual relationship. Judge Mackey did not accept this amendment to the motion.

MOTION: To approve ACJA § 7-206: Certified Reporter, as presented. The motion was seconded and passed (1 abstention). AJC 2014-09.

Legislative Branch Update

Mr. Jerry Landau, Director of Government Affairs for the AOC, updated the Council on the status of the 2014 legislative session to include the Arizona Judicial Council legislative package. He reported that the following 5 bills have made it through the committee in the second house: *HB2310: criminal justice info; court reporting, HB2457: mental health; veterans courts; establishment, HB2461: probation officers; authority, SB1248: jury service; lengthy trial fund, and SB1309: court-ordered services; dependent children.*

Mr. Landau updated the Council on other bills affecting the Judiciary:

HB 2322: national instant criminal background checks: Mr. Landau reported the bill is moving forward. He noted the bill expands the definition of prohibited possessor to include persons found incompetent and those guilty except insane.

HB2339: firearms; permit holders; public places: Mr. Landau asked for the Council's recommendation to oppose this bill in its current form. He noted this bill would allow people carrying a concealed weapon (CCW holders) to enter a public building unless there is security and screening at each entrance. The Chair clarified that the Council has opposed a related bill, but given the additional language, the Council is being asked to take a position on this bill.

MOTION: To oppose *HB 2339: firearms; permit holders; public places, as presented.* The motion was seconded and passed (2 opposed). AJC 2014-10.

HB2517: firearms; state preemption; penalties: Mr. Landau reported the bill contains convoluted language brought forward by the National Rifle Association. He noted the Presiding Judges have voted to remain neutral on this bill.

MOTION: To remain neutral on *HB2517: firearms; state preemption; penalties, as presented.* The motion was seconded and passed. AJC 2014-11.

SB1266: misconduct involving weapons; judicial officers: Mr. Landau reported this bill comes from the Arizona Justice of the Peace Association and will allow full-time judicial

officers to bring weapons/carry firearms into a court building subject to polices or rules of the Presiding Judge of the county.

MOTION: To support SB1266: *misconduct involving weapons; judicial officers, as presented.* The motion was seconded and passed.
AJC 2014-12.

SB1284; public safety officers; omnibus: Mr. Landau noted that the media expressed concern regarding the breadth of this bill in terms of the public's right to know versus the safety of the officer. Mr. Landau stated that the clerks are comfortable with this bill since it is specific as to what piece of paper to redact. Mr. Landau noted the Superior Court Presiding Judges voted to recommend remaining neutral.

Judge Norm Davis stated this bill sets up a process that is already covered in several ways at this time and it is totally unnecessary.

Mr. Jeanes noted that the clerks did not take a position on this bill, but have questions about how to implement it if it moves forward.

Judge Davis expressed concern that this legislation creates a special situation for one group of litigants. He moved to express support of protection of law enforcement in obtaining orders for sealing records, when appropriate, but oppose the bill as written and instead use the current rule process and, if necessary, recommend that the Court adopt any supplemental rules necessary to address the areas other than domestic relations and family court cases in the future.

MOTION: To express support of protection of law enforcement in obtaining orders for sealing records, when appropriate, but oppose the bill as written. The motion was seconded and passed (1 opposed).
AJC 2014-13.

Budget Update

Ms. Amy Love, Legislative Liaison for the AOC, updated the Council on the budget. She reported that the Senate budget was introduced but did not include our budget requests for the Foster Care Review Board and Court of Appeals (COA). She explained that the Senate President believes the courts should be able absorb these costs. Ms. Love noted that staffs are reaching out to chambers at all levels, the business communities, and lobbyists to talk with members and get the message out that if the COA shortfall is not funded, the Court will not suffer, but the end users will. The Chair asked members to contact any friends they may have in the Legislature to ask for funding on our behalf.

Human Trafficking

Mr. Chad Campbell briefed the Council on the Court's human trafficking plan and provided a few national and local statistics and risk factors, with the number one risk factor being running away. He reported that we are identifying areas that are important to look at, i.e., currently there are no secure facilities to address the issue of human trafficking, and staffs are looking at locations and have identified a facility in Yavapai County as a possible site. He noted the new facility would specifically focus on girls at this time and would contain a pod holding 8-12 juveniles. Mr. Campbell stated we are looking at being more methodical in our approach and are looking at what the facility will look like; defining treatment intervention, triage, and stabilization; and finding national assessments, etc. He referred the Council member to the website: www.htcourts.org which is designed for courts and court interventions as a collaborative effort.

Chief Justice Berch added that staff will be looking for space in other counties in addition to Yavapai.

The Chair made a call to the public; there was none.

The Chair announced the next meeting is scheduled for Monday, June 23, at the Marriott Starr Pass in Tucson.

The meeting adjourned at 1:32 p.m.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Code of Judicial Administration

FROM:

Administrative Office of the Courts, Legal Services

DISCUSSION:

We continue to amend the Arizona Code of Judicial Administration to provide administrative direction to judicial officers and employees throughout the state.

Enclosed are two proposed code sections for consideration with their respective proposal cover sheets summarizing each of the proposals and comments received.

- 1-302: Education and Training (Amend)
- 7-201: Certification and Licensing Programs, General Requirements (Amend)

Jeff Schrade, Education Services Director, will be present to answer questions regarding the proposed amendments to code section 1-302. Anne Hunter, Certification and Licensing Manager, will present the proposed amendments to code section 7-201.

RECOMMENDED COUNCIL ACTION:

Recommend adoption of the proposed amendments to code sections 1-302 and 7-201.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 1-302: Education and Training

1. Effect of the proposal:

This proposal eliminates the eight hour limit on non-facilitated learning programs and removes eLearning and other interactive programs from this category. The proposal also creates an affirmative annual requirement of at least six COJET hours of “live training” (programs taught by an instructor using real time interaction).

2. Significant new or changed provisions:

- Adds “live training” and “non-facilitated learning” definitions and removes “eLearning” definition.
- Eliminates eight hour COJET credit limit for non-facilitated learning programs and removes eLearning programs, tours and ride along programs from this category.
- Requires at least six hours of live training each year.
- Semantic changes.

3. Committees actions and comments:

Recommended without changes by:

- COJET
- COJC
- COP
- COSC

4. Controversial issues:

None

5. Recommended action or motion:

Approve ACJA 1-302 code change proposal as attached.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 1-302: Education and Training

A. Definitions. In this section, the following definitions apply:

“Accredited Sponsor” means an individual or organization that has been granted status to accredit their programs by the Committee on Judicial Education and Training (COJET).

“Continuing education” means training or education that leads to improved job-related skills, knowledge or abilities, or specialized skills that enhance the ability to perform job functions.

“County training coordinator” means the local training coordinator designated in each county.

“Credit hour” means an increment of continuing education determined by COJET to constitute one credit toward COJET requirements. In most instances, 60 minutes of education equals one credit hour.

“Education Services” means the division of the Administrative Office of the Courts (AOC) responsible for planning and implementing education for the judiciary.

~~“eLearning” means all forms of electronically supported learning and teaching.~~

“Ethics training” means a training session related to appropriate personnel behavior in the workplace, codes of conduct, fair treatment in the courts, or avoiding the occurrence or perception of impropriety in carrying out responsibilities.

“Facilitator” means a specifically trained individual who leads local or small group activities that take place as part of a larger program.

“Faculty” means an individual who plans, prepares, and presents an education program. This definition includes individuals who serve as moderator or coordinator of a panel, and individuals who perform pre-planning for one-to-one training activities with measurable educational outcomes.

“Hearing officer, paid,” means an individual paid by the court to serve as a civil traffic or small claims hearing officer.

“Hearing officer, volunteer” means an individual who serves voluntarily as civil traffic or small claims hearing officer.

“Judicial education” means continuing professional education for judges, probation and court personnel.

“Judge” means any person who is authorized to perform judicial functions within the Arizona judiciary, including a justice or judge of a court of record, a justice of the peace, magistrate, water master, court commissioner, referee or pro tempore judge.

“Live training” means training or education provided by one or more faculty or facilitators to an individual or a group using real time interaction.

“Local training coordinator” means the person designated in each court or department to coordinate judicial education.

“Non-facilitated learning” means an individual study program conducted without the aid of an instructor, facilitator, or active co-participants.

“On-call” means employees who are available when summoned for service, do not have an established work schedule and whose schedule is on an as-needed basis.

“Orientation” means knowledge, skills and ethics necessary to begin the job.

“Probation personnel” means probation officers, surveillance officers, detention officers, youth supervisors, support staff, and any other staff assigned to probation departments and juvenile courts.

“Program Sponsor” means an individual, group or organization conducting continuing education for COJET credit hours.

B. Applicability. This section establishes education standards for all judges, probation and court personnel in Arizona.

C. Purpose. The education and training of judicial officers and court employees are necessary to maintain~~ing~~ judicial independence and carry~~ing~~ out the judicial branch’s obligation to administer justice impartially and competently. The following standards shall ensure that judges and judicial branch employees continually receive education and training necessary to achieve the highest standard of competence, ethical conduct, integrity, professionalism, and accountability.

D. [no changes]

E. Program Accreditation.

1. A program must meet the following requirements to be accredited:
 - a. The program is job-related or relates to the justice system;
 - b. The program constitutes an organized program of learning with significant intellectual or practical content;

- c. The program is meant to improve job-related professional competencies and skills;
 - d. The program is at least 30 minutes in length or ~~combines non-facilitated learning modules equaling~~ consists of related segments totaling at least 30 minutes of instruction;
 - e. Participants in live training programs are given the opportunity to evaluate program effectiveness;
 - f. Participants receive ~~written~~ materials such as handouts, manuals, study guides, flowcharts, or substantial written outlines, except when writing an article or reading and evaluating a book;
 - g. Breaks, non-substantive speeches, and business meetings shall not be accredited; and
 - h. The program sponsor shall keep attendance records for five years and shall forward attendance records, relevant program materials and program evaluations to the party accrediting the program upon request.
2. Accreditation shall be granted in three ways:
- a. Local programs. Training coordinators shall accredit a program offered locally for employees in their court or division when:
 - (1) Program sponsors ~~shall~~ submit a proposal with an agenda, duration and other supporting materials if requested by the local training coordinator;
 - (2) Upon conclusion of a program, the program sponsor ~~shall~~ provides the training coordinator with an agenda, attendee list and compiled participant feedback from evaluations. Handouts and other written materials may also be requested by the local training coordinator; and
 - (3) The local training coordinator ~~shall evaluate the program for~~ determines the program has substantive value ~~and may accredit the program for a specific number of credit hours.~~
 - b. Individual employee programs. Training coordinators shall accredit a program attended by an individual ~~who meets the following criteria~~ when:
 - (1) Prior to the program, and at the discretion of the training coordinator, the individual ~~may submit to the local training coordinator~~ an agenda, duration and other supporting materials;
 - (2) Upon conclusion of a program, the employee ~~shall~~ provides an agenda, outline and other supporting material. Handouts, evaluations or other written materials may also be requested by the local training coordinator; and
 - (3) The training coordinator ~~shall evaluate the program for~~ determines the program has substantive value ~~and may accredit the program for a specific number of credit hours.~~

- c. Regional or statewide programs. COJET, Education Services or accredited sponsors shall accredit a program offered to participants statewide or from a broad geographical or jurisdictional area. County training coordinators or their designee may accredit programs that are countywide or that involve participants from one or more counties. This procedure eliminates the need for each local training coordinator to accredit the same program for individual participants.
3. Programs not sponsored by a court. Individuals attending education programs not sponsored by a court may be granted credit hours, with approval from a supervisor and training coordinator, if the program is applicable to their position or fosters court-related career growth.
 4. Dual accreditation. Courses of at least two hours in duration may be accredited for two required areas, including ethics and core curricula.
 5. Non-facilitated learning. ~~An individual study program conducted without the aid of an instructor, facilitator, or active co-participants may be accredited with prior approval by a supervisor and training coordinator. An individual may receive up to eight credit hours in a calendar year for non-facilitated learning programs including~~ With prior approval of a supervisor and prior accreditation by a training coordinator, an individual may engage in non-facilitated learning consisting of one or more of the following:
 - a. Writing articles or other materials beyond the normal scope of the job position;
 - b. Watching video and listening to audio programs; and
 - c. Reading and evaluating a book, not to exceeding one-half credit hour for every 30 pages; ;
 - d. ~~eLearning programs; and~~
 - e. ~~Court related visits, tours, observations of court proceedings and ride along programs.~~
 6. through 9. [no changes]

F. and G. [no changes]

H. General Requirements for Compliance.

1. All full-time judges and court personnel governed by these standards shall complete at least sixteen credit hours of judicial education each year, including ethics training and at least six hours of live training.
2. through 6. [no changes]

I. through N. [no changes]

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	ACJA proposed changes to § 7-201 (Certification and Licensing, General Requirements)

FROM:

Anne Hunter, Manager, Certification and Licensing Division, Administrative Office of the Courts

DISCUSSION:

The Arizona Code of Judicial Administration § 7-201: General Requirements, contains provisions regulating several professions that are certified or licensed by the Supreme Court, including Fiduciaries, Confidential Intermediaries, Private Process Servers, Defensive Driving Schools and Instructors, Certified Reporters, and Legal Document Preparers.

On February 27, 2013, Chief Justice Berch signed administrative order 2013-29 which created a pilot program to address the issue of untimely renewal applications with respect to the professionals regulated by the Supreme Court. At this time the ACJA § 7-201 does not contain a renewal provision that allows for the regulated professional to submit a renewal application past the expiration date of his or her certificate. Under administrative order 2013-29, the Director of the Certification and Licensing Division was granted authority to process untimely renewal applications and recommend to the Board to renew a certificate or license if the applicant demonstrated good cause for filing untimely.

The pilot program established by administrative order 2013-29 was set to expire on January 1, 2014; however, administrative order 2014-20 extended the program until September 30, 2014 to allow the Certification and Licensing Division to draft and circulate a revision to ACJA that codifies the pilot program. The attached proposed amendments to ACJA § 7-201 have been drafted and discussed with the applicable boards. The proposed amendments were also posted to the Supreme Court website for public comment from February 21, 2014 through March 31, 2014. No public comments were received.

RECOMMENDED COUNCIL ACTION:

Council may vote to adopt the proposed changes to ACJA § 7-201.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-201: General Requirements

A. through F. [No changes]

G. Renewal of Certification.

1. Expiration Date. Certificates expire on the date specified by the applicable section of the ACJA except as otherwise provided in this section. All certificates shall continue in force until expired, voluntarily surrendered, placed on inactive status, suspended or revoked.
2. Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing the renewal application.
 - a. When a certificate holder has filed a timely and complete renewal application ~~for the renewal of certification~~, the existing certification does not expire until the administrative process for review of the renewal application has been completed.
 - b. When a certificate holder requests to file an untimely renewal application, the division director may process the untimely application and recommend to the applicable Board to renew a certificate if the untimely renewal applicant demonstrates to the director good cause for the untimely filing. In addition, the following shall apply:
 - (1) The applicant shall submit a complete renewal application and applicable fees, and any other documentation requested by division staff to verify the grounds for the good cause exception requested.
 - (2) The applicant shall not practice in the applicant's profession:
 - (a) until the director decides in writing based on good cause to process the application or
 - (b) if the director decides not to process the untimely application, until an initial application is processed and the applicant is granted certification pursuant to the AJCA § 7-201(E) and the applicable sections of §§ 7-202 through 7-208.
 - c. When a timely ~~If the~~ renewal application is denied, the existing certification does not expire until the last day for seeking a hearing on the denial decision ~~to deny~~, pursuant to subsection (E)(2)(c)(5); or if a hearing is requested, until the final decision is made by the board pursuant to subsection (H)(25).
 - ~~b~~d. The board may request an informal interview with the applicant for renewal, pursuant to subsection (D)(5)(c)(2)(b), to establish if additional information or an explanation of the information provided by the applicant is needed to determine if the applicant

continues to meet the qualifications for certification in this section and the applicable section of the ACJA.

~~de.~~ The certificate of a certificate holder who does not supply a complete renewal application and payment of the renewal fee in the specified time and manner to division staff shall expire as of the expiration date in the applicable section of the ACJA. Division staff shall treat any renewal application received after the expiration date as a new application, except when the certificate holder requests to file an untimely renewal application pursuant to subsection (G)(2)(b).

~~2. Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing the renewal application.~~

3. Additional Information. Before recommending renewal of certification, division staff may require additional information reasonably necessary to determine if the applicant continues to meet the qualifications specified in this section, which may include:

- a. Background information, pursuant to subsection (E)(1)(a) and the applicable section of the ACJA;
- b. A personal credit review and review of records pertaining to the applicant by division staff, pursuant to subsection (E)(1)(a)(5); and
- c. Fingerprinting pursuant to subsection (E)(1)(d);

4. Decision Regarding Renewal.

a. The board may renew a certification if the certificate holder:

- (1) Meets all requirements for renewal as specified in this section and the applicable section of the ACJA;
- (2) Submits a completed renewal application; and
- (3) Pays the renewal fees on or before the expiration date as specified by the applicable section of the ACJA.

b. Division staff shall promptly notify the applicant in writing of the board's decision to renew the applicant's certificate in accordance with this section and the applicable section of the ACJA. Each renewed applicant shall receive a document, badge or card evidencing renewal of certification, stating the applicant's name, date of certification, certification number and expiration date.

c. The board may deny renewal of certification for any of the reasons stated in subsection (E)(2)(c). Division staff shall promptly notify the applicant, in writing, within ten days of the board's decision to deny renewal of certification. The notice

shall include the board's reasons for the denial of renewal of certification and the right of the applicant to a hearing, pursuant to subsection (G)(4)(d).

- d. An applicant is entitled to a hearing, on the decision to deny renewal of certification if the disciplinary clerk receives a written request for a hearing within fifteen days after the date of the notice of denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsections (H)(12) through (H)(23) and (H)(25) through (H)(27) apply regarding procedures for hearing and appeal.

H. and I. [No changes]

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Commission on Technology Update

FROM:

Vice Chief Justice Scott Bales, COT Chair
Mr. Kevin Kluge, AOC Chief Financial Officer

DISCUSSION:

Vice Chief Justice Bales, COT's chair, will deliver the project prioritization from the recent COT annual meeting as background to the items contained in the Judicial Collections Enhancement Fund (JCEF) budget request.

ACJA 1-109 specifies that AJC approves the amount of JCEF monies to be spent. Typically, the COT Chair requests approval of specific funding for operations, ongoing projects, and new projects to ensure AJC sets aside sufficient monies in the upcoming fiscal year.

Mr. Kevin Kluge, AOC's Chief Financial Officer, will brief the Council on the JCEF revenues, on-going commitments, comparison of revenue to expense, and the projected fund balances in out years, subject to action of the Legislature. He will also discuss the impact of current project commitments.

RECOMMENDED COUNCIL ACTION:

Approve the JCEF operating budget, including spending on previously approved technology projects, as recommended by the Commission on Technology.

The Commission on Technology's strategic information technology projects for FY2015-2017, in categories of priority are:

Top Tier eCourt

- Deploy New eFiling Engine
- Deploy Judge Automation
- Launch eAccess
- Build Online Citation Payment

Second Tier

- Time Standards Reporting
- eWarrant Pilot
- Data Destruction
- Appellate CMS
- Disaster Recovery Study
- APETS Integration

Top Tier Court Automation

- AJACS - LV/Mesa
- JOLTSaz Deployment
- Technology Refresh
- AJACS - AZTEC Replacement
- AJACS - GJ Enhancements
- AJACS - GJ eFiling Enhancement
- NICS Reporting
- FARE - Infrastructure Port

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	ACJA 5-206: Fee Deferrals and Waivers (amendment)

FROM:

Patrick Scott, Court Services Division, AOC

DISCUSSION:

At the March, 20, 2014 Arizona Judicial Council meeting, the Council approved the amendment to A.C.J.A. § 5-206, as presented below. The amendment as adopted in section (D)(3) inadvertently narrowed the application of a minimum clerk fee to the superior court by using a reference to 12-284.

~~3. The court shall impose the statutory minimum clerk fee for filing an application for fee deferral and waiver. The fee is subject to deferral or waiver as appropriate. At the commencement of each action or each postadjudication proceeding, the party filing the initial petition and any responding parties that request a deferral or waiver shall be assessed a minimum clerk fee pursuant to section 12-284. The statutory minimum clerk fee shall be assessed only for the initial application of each party and is subject to deferral and waiver.~~

If the intention is to charge the minimum clerk fee in municipal and justice courts as well, the code could be amended as presented below. It should be noted that the Supreme Court fee statute does not have a minimum clerk fee.

3. At the commencement of each action or each postadjudication proceeding, the party filing the initial petition and any responding parties that request a deferral or waiver shall be assessed a the statutory minimum clerk fee pursuant to ~~section 12-284~~. The statutory minimum clerk fee shall be assessed only for the initial application of each party and is subject to deferral and waiver.

Staff will further report on the fee waiver deferral taskforce recommendations for best practices, training recommendations, and modifications to the Fee Waiver Deferral Application.

RECOMMENDED COUNCIL ACTION:

The recommendation is to amend A.C.J.A. § 5-206(D)(3) to remove the reference to 12-284, as indicated above.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Case Processing Time Standards

FROM:

Justice Robert Brutinel, Arizona Supreme Court

DISCUSSION:

Justice Brutinel, Chair of the Arizona Case Processing Standards Steering Committee will discuss the Committee's recommendation that the provisional case processing time standards for 6 out of the 19 case types be adopted as final.

RECOMMENDED COUNCIL ACTION:

Motion: To recommend that the following 6 case processing time standards be approved for final adoption by the Arizona Supreme Court:

- ❖ Superior Court Civil
- ❖ Felony
- ❖ DUI Misdemeanor
- ❖ Juvenile Delinquency and Status Offense
- ❖ Juvenile Neglect and Abuse- Permanency Hearing Only
- ❖ Juvenile Termination of Parental Rights

CASE PROCESSING STANDARDS

<u>CASE TYPE</u>	<u>ARIZONA STANDARD</u>
Superior Court Civil	60% within 180 days 90% within 365 days 96% within 540 days
Criminal Felony	65% within 90 days 85% within 180 days 96% within 365 days
Criminal DUI Misdemeanor	85% within 120 days 93% within 180 days
Juvenile Delinquency and Status Offense	<u>Youth in detention:</u> 75% within 30 days 90% within 45 days 98% within 75 days <u>Youth not in detention:</u> 75% within 60 days 90% within 90 days 98% within 135 days
Juvenile Neglect and Abuse	<u>Permanency Hearing:</u> 98% of children under 3 years of age within 180 days of removal 98% of all other cases within 365 days of removal
Juvenile Termination of Parental Rights	90% within 120 days 98% within 180 days

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Friends of Foster Care Foundation

FROM:

Ms. Tamera Shanker and Ms. Kris Jacober
Arizona Friends of Foster Children Foundation (AFFC)

DISCUSSION:

This year, AFFCF is celebrating its 30th year anniversary. The Foundation's Executive Director and current President will provide information regarding the Foundation to educate the Council on the Foundation's work.

RECOMMENDED COUNCIL ACTION:

Information only. No action being requested.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 23, 2014	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Judicial Performance Review Commission Presentation

FROM:

Judicial Performance Review Commission Voter Participation Committee

DISCUSSION:

Brief PowerPoint available on www.azjudges.info and to be presented at clubs and organizations, along with Frequently-Asked Questions. Created by JPR volunteer members, the program is designed to acquaint citizens with Merit Selection, the JPR process, JPR's quality improvement element, and the importance of "finishing the ballot," i.e., voting on judges standing for retention

RECOMMENDED COUNCIL ACTION:

None necessary, but it would help JPR greatly if Judicial Council members would refer names of contacts at clubs and organizations they are involved in, so we can make this presentation to them.



OUR MEMBERS ARE OFTEN ASKED:

1. ***“Why do so few judges get any negative votes from JPR members?”***

First, remember that Merit Selection *judges are screened carefully* before taking office. And, twice per term, they have participated with a Conference Team in the **Quality Improvement** Program.

All of that takes place before their names come to JPR for review.

Second, most Arizonans don't realize that a judge who fails to meet the Commission's retention standards will usually resign or retire rather than have an overwhelming “Do Not Retain” JPR recommendation distributed to all voters. You never even see them on the ballot.

However, most judges who resign actually do so for financial reasons, e.g., to pay college costs for their children. They can earn much more in private practice.

2. ***“How do I as a voter know that JPR isn't just a rubber stamp?”***

If we're a rubber stamp, we're the hardest-working one that ever existed.

In 2012, we reviewed almost 90 judges. Each member of JPR was given *two 4-inch ring binders with survey results* and any comments received on all judges up for retention. (By court and number -- No names, or even gender-identifying pronouns.)

Each of us spent between 25 and 35 hours reviewing those reports. Then we spent a day meeting to decide which judges we wanted to interview, based on “poor” or “unacceptable” ratings in their surveys. After that meeting we sent letters to 29 judges.

We then spent *an entire day interviewing 18 judges.* Several others responded with letters explaining the results they had had. Two chose to retire.

Another four-hour meeting followed to review the judges responses, and to vote. (After the vote, we learned the names of the judges we had been reviewing and voted on.)

3. ***“Where do the JPR Commissioners come from, how are they chosen, And what are they paid?”***

Because of population, almost ½ are from Maricopa County. One of our members drives to Phoenix from Hereford in Cochise County, another from Kingman in Mohave, one from Yavapai, 9 others from Pima, and 4 from Pinal County.

JPR members are carefully vetted by the Supreme Court before being appointed. Most have been active volunteers in their communities and/or the Courts. Many have served on Conference Teams.

We receive **no compensation** – only travel reimbursement.

4. “Do the 18 public members have an voice equal to the judges and attorneys?”

Absolutely. The public members of the Commission are just as vocal as the attorney and judge members – and equally respected.

5. “Since I’m not sure how to vote, why shouldn’t I just vote ‘NO’ on all of the judges?”

1. First of all, **30 volunteers have done a great deal of work** to give you information on the judges
2. Voting “Do Not Retain” – either because you don’t know how to vote, or as a protest – **would cause chaos and huge delays in the courts**. Imagine the system trying to replace 90 judges at once! Criminal cases have priority, so civil cases – business, divorce, custody, etc. – would just have to wait.
3. **Who would apply**, when great judges have just been voted off the bench for no reason?

6. “How can I be sure the survey they asked me to fill out about the judge after I was in court last fall (as a litigant, witness, or juror) is anonymous? If I put any comments on it, does anyone even read them?”

Responses go straight to a tabulation service in Hayes, Kansas, where they are tallied. Numerical survey results come back to the Administrative Office of the Courts – with no identifiers.

The comments you write go on the judge’s results anonymously and verbatim, and are included with the reports to JPR members, who read them all. They really help us do our job.

Now, our question for you:

“How can you, as a voter, do your part to help keep Arizona’s Judiciary fair and effective?”

1. **We need and value your feedback.** If you go to court or serve on a jury, then receive a survey on the judge in the courtroom, **please complete it fully and truthfully and return it.**
2. **Do your homework at election time.** The JPR Report is in the Voter Information Pamphlet you receive. That, and much more, is at www.azjudges.info. Prepare yourself to vote knowledgeably.
3. **VOTE on the judges.** Those votes are just as important as all the others on your ballot.

DO YOUR PART – FINISH THE BALLOT!

ARIZONA JUDICIAL COUNCIL

**Date Action
Requested:**

June 23, 2014

**Type of Action
Requested:**

Formal Action/Request
 Information Only
 Other

Subject:

Legislative Branch
Update

FROM:

Jerry Landau, Government Affairs Director
Amy Love, Legislative Liaison

DISCUSSION:

Mr. Landau and Ms. Love will update members on the 2014 Legislative Session.

RECOMMENDED COUNCIL ACTION:

Review of Legislative Session Only

Arizona Judicial Council

Fifty-First Legislature Second Regular Session 2014

Summary of bills affecting the Judicial Branch

Bills Enacted

Chapter 5. HB2196: election law amendments; repeal (Rep. Farnsworth)

Repeals Laws 2013, Chapter 209, which made numerous changes relating to election law, including modifying requirements for initiative, referendum and recall petitions, petition circulators, and signature sheets; modifying the number of signatures required to qualify for the ballot for various elected offices; requiring voters on the permanent early voting list (PEVL) who did not vote an early ballot in both the primary and general election for the two most recent general elections for federal office to confirm with the county in order to remain on the PEVL; and allowing voters to designate any person to return an early ballot.

Sections amended: §16-322, 16-544, 16-547, 16-924, 16-1005, 19-111, 19-112, 19-121, 19-121.01, 19-121.02, 19-121.04, 19-202.01, and 19-203

Sections repealed: §19-103, 19-201.01

Chapter 23. HB2027: golf carts; NEVs; passing; driving (Rep. Lesko)

Allows individuals in age restricted communities located in an unincorporated area of a county with a population of more than three million persons, to drive a golf cart or a neighborhood electric vehicle (NEV) on a paved shoulder that is adjacent to a roadway or as close as practicable to the right-hand curb or edge of a paved roadway if there is no delineated paved shoulder

Except as provided in section §28-903, allows the driver to overtake and pass a golf cart or neighborhood electric vehicle pursuant to this act even if the driver's vehicle shares a lane with the golf cart or neighborhood electric vehicle when the overtaking and passing occur.

Requires that a person driving a golf cart or an NEV to yield the right-of-way to a vehicle that is travelling in the same direction and that is intending to turn to the right.

Sections amended: §28-721, §28-723

Section enacted: §28-777

Chapter 26. HB2094: workers' comp; claim assignment (Rep. Brophy McGee)

If an employee who is entitled to worker's compensation is injured or killed or further aggravates a previously accepted industrial injury by the negligence or wrong of another person not in the same employ, the injured employee, or in event of death the injured employee's dependents, may pursue the injured person's remedy against the other person. The injured employee or injured employee's dependents is required to initiate the action within one year or the claim against the other person is deemed assigned to the insurance carrier or self-insured employer.

Section amended: §26-1023

Chapter 33. HB2284 abortion clinics; inspection; minors; reporting (Rep. Lesko)

Authorizes the Director of the Department of Health Services or the Director's duly appointed agent or employee to conduct an unannounced inspection of an abortion clinic if it is believed the clinic is not adhering to licensing requirements. Permits the attorney general and any county or city attorney to intervene in any challenge to the constitutionality, legality or application of the unannounced inspection of an abortion clinic. The department may employ legal counsel and incur indebtedness for legal services for the purpose of defending the inspections.

Establishes a Class 1 Misdemeanor for the intentional causing, aiding or assisting of a minor in obtaining an abortion in violation of the statutory exceptions.

Sections amended: §36-449.02, 36-2152

Chapter 36. HB2453: synthetic drugs; reporting (Rep. Farnsworth)

Adds additional chemical designations to the definitions of synthetic and narcotic drugs. Removes the reporting requirement to the Department of Public safety if an entity is already required to report similar transactions to a federal agency.

Contains an emergency clause.

Effective date: April 15, 2014

Sections amended: §13-3401, 13-3404

Chapter 37. HB2457: mental health; veterans courts; establishment (Rep. Farnsworth)

Permits the presiding judge of a superior court to establish a veterans' court or mental health court and to create eligibility criteria for referral to either court.

Allows a justice of the peace or municipal court judge to refer a case to the veterans' court or mental health court.

Authorizes any judicial officer in the county where the offense occurred to adjudicate a case referred to veterans' court or mental health court. The originating court maintains jurisdiction and is required to notify the prosecutor of the case's referral.

Sections amended: § 22-601, 22-602

Chapter 38. HB2505: leaving accident scene; alcohol; penalty (Rep. Gray)

Requires the court to order a person convicted of Leaving the scene of an accident involving death or physical injury to complete alcohol or other drug screening if the court finds by a preponderance of the evidence that the person's use of intoxicating liquor, any drug listed in §13-3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident.

If reasonable suspicion exists to believe that the person's use of intoxicating liquor, any drug listed in the §13-3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident, the department of transportation (ADOT) may require the person to complete alcohol or other drug screening as a condition of license reinstatement. The statute is not clear on who finds the reasonable suspicion, but it seems to be MVD (ADOT).

The classification for failure to give information and assistance is increased from a Class 3 Misdemeanor to a Class 6 Felony. If the court finds by a preponderance of the evidence that the

person's use of intoxicating liquor, any drug listed in §13-3401, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances was a contributing factor to the accident that caused death or physical injuries, the court shall order the person to complete alcohol or other drug screening.

Sections amended: §28-661, 28-662, 28-663

Chapter 40. HB2002: correctional officers; arrest; unlawful imprisonment (Rep. Borrelli)

Creates a defense to the crime of Unlawful imprisonment if a detention officer is acting in good faith in the lawful performance of the officer's duty.

Allows a detention officer acting in the officer's official capacity at the jail in which the officer is employed to arrest a person who is already incarcerated in that jail or who surrenders to that jail, pursuant to a warrant.

Defines *detention officer* as a person other than an elected official who is employed by the county, city, or town and is responsible for the supervision, protection, care, custody or control of inmates in a county or municipal correctional institution. Detention officer does not include a counselor or secretarial, clerical or professionally trained personnel.

Section amended: § 13-1303

Section enacted: § 13-3907

Chapter 41. HB2021: vexatious litigants; designation (Rep. Kavanagh)

In a noncriminal case, at the request of a party or on the court's own motion, the presiding judge of the superior court or a judge designated by the presiding judge of the superior court may designate a pro se litigant a vexatious litigant. A pro se litigant who is designated a vexatious litigant may not file a new pleading, motion or other document without prior leave of the court.

A pro se litigant is a vexatious litigant if the court finds the pro se litigant engaged in vexatious conduct. For the purposes of the statute, vexatious conduct includes any of the following: repeated filing of court actions solely or primarily for the purpose of harassment; unreasonably expanding or delaying court proceedings; court actions brought or defended without substantial justification; engaging in abuse of discovery or conduct in discovery that has resulted in the imposition of sanctions against the pro se litigant; a pattern of making unreasonable, repetitive and excessive requests for information; repeated filing of documents or requests for relief that have been the subject of previous rulings by the court in the same litigation.

For the purposes of the statute, *without substantial justification* has the same meaning as in section §12-349.

Delayed effective date of January 1, 2015.

Section enacted: §12-3201

Chapter 44. HB2050: ASRS Membership; section 218 REQs

Removes the ASRS eligibility requirements that an employee must be covered by the state's 218 agreement (social security) and eliminates references to the state's 218 agreement throughout statute, including references to ASRS eligibility requirements, supplemental retirement plans for political subdivisions and retired members who return to work.

Makes other administrative changes to the ASRS defined benefit and defined contribution plan.

Sections amended: §38-727, §38-729, §38-766.02, §38-797

Sections repealed: §38-955 and §38-956

Chapter 47. HB2112: weights; measures; false statement; penalty (Rep. Fann)

Creates a Class 2 Misdemeanor for knowingly filing any notice, statement, or other document relating to the licensing of devices for commercial purposes, authorization to test devices, or transaction privilege tax license records that contain any material misstatement of fact related to the person or agent of that person.

Section amended: § 41-2091

Chapter 48. HB2120: motor vehicle sales (Rep. Fann)

In pertinent part, requires the removal or impoundment of any vehicle that is for sale and has a destroyed, removed, covered, altered or defaced VIN. Prohibits a motor vehicle dealer from parking a vehicle for sale on any public street or highway, public parking lot, public property, or private property on which the public can legally drive a motor vehicle. Provides for some exceptions.

Sections amended: §38-641, 38-642, 38-643, 38-644,38-645, 38-848, 38-853.01, 38-891, 38-961

Sections enacted: §12-290

Chapter 49. HB2151. amusement gambling (Rep. Farnsworth)

Changes the definition of *amusement gambling* in §13-3301, which affects the elements of Betting and wagering, §13-3305.

Section amended: §13-3301

Chapter 51. HB2205: veterinary faculty member licenses

In pertinent part, expands the exemptions for violations of §32-2238 to protect a veterinary student who performs acts of health care or prescribed veterinary procedures as a part of the student's educational experience if the acts are assigned by a licensed veterinarian or a licensed veterinary faculty member who is responsible for the animal's care and the student works under the direct supervision of a licensed veterinarian or a licensed veterinary faculty member.

Further protects licensed veterinary faculty members who are performing regular clinical functions, giving lectures, instructions or demonstrations or practicing veterinary medicine as a veterinary faculty member in connection with continuing education courses or seminars to licensed veterinarians, certified veterinary technicians, veterinary students or veterinary technician students.

Sections amended: §32-2201, 32-2207, 32-2211, 32-2212, 32-2213, 32-2214, 32-2215, 32-2216, 32-2218, 32-2219, 32-2231, 32-2238, 32-2272.

Chapter 56. HB2306. fingerprint clearance cards (Rep. Pierce)

Adds Trafficking of persons for forced labor services to the list of offenses for which a person is precluded from receiving a fingerprint clearance card or Level one fingerprint card. Includes predatory offenses.

Sections amended: §41-1758.03, 1758.07

Chapter 57. HB2320: county seals; approval of use (Rep. Pierce)

Permits a person to use, display or otherwise employ any facsimile, copy, likeness, imitation or other resemblance of the county seal after obtaining approval from the board of supervisors of that county. Directs the board to grant approval of an application if the person shows good cause for use of the county seal. Prohibits anyone other than the county department from using the seal for the purpose of advertising or promoting the sale of any merchandise within this state or for use to promote for any other commercial purpose. Permits the board to adopt rules for the use of the county seal or any facsimile, copy, likeness, imitation or other resemblance of the seal.

Requires the board to issue a cease and desist order to any person who is in violation of the appropriate use of a county seal as outlines above, if a person fails to comply with the cease and desist order that person is guilty of a Class 3 Misdemeanor.

Section enacted: § 11-251.17

Chapter 60. HB 2430: combination vehicles; size; weight; load (Rep. Fann)

In pertinent part, rennumbers §28-1144 (D) to §28-1144 (E).

Sections amended: § 28-1095, 28-1103, 28-1105, 28-1144

Chapter 62. HB2483: firearms; private land; lawful discharge (Rep. Kavanagh)

Prohibits any ordinance from preventing, restricting or otherwise regulating the lawful discharge of a firearm or air gun or use of archery equipment on a private lot or parcel of land that is not open to the public on a commercial or membership basis.

States that the otherwise lawful discharge of a firearm or air gun or use of archery equipment may not be enjoined except by an action maintained by the attorney general to abate a public nuisance pursuant to §13-2917 or a private cause of action filed by a person occupying a permanent residence located within one fourth mile of the discharge or use. Establishes the burden of proof as clear and convincing evidence in such actions Provides attorney fees for the prevailing party.

Clarifies that a city, town or county may enact an ordinance or rule restricting the lawful discharge of a firearm within one-fourth of a mile of an occupied structure without the consent of the owner or occupant of the structure in regards to the taking of wildlife. Allows a political subdivision to adopt an ordinance regulating commercial land or a commercial shooting range relating to firearms. Prohibits a subdivision from regulating the lawful discharge of a firearm on noncommercial land via a zoning ordinance.

Prohibits a subdivision from regulating the lawful discharge of a firearm on land that is used for agricultural or other noncommercial purposes.

Specifies that private land used for shooting that is not open to the public on a commercial or membership basis is not considered an outdoor shooting range.

Defines *occupied structure* as any building in which, at the time of the firearm's discharge, a reasonable person from the location where a firearm is discharged would expect a person to be present.

Sections amended: §11-812, §13-3107, §13-3108, §17-601

Section enacted: §12-558

Chapter 64. HB2638: CPS information; law enforcement; prosecutors (Rep. Townsend)

Allows access to CPS information by a federal agency, state agency, tribal agency, county or medical agency, law enforcement agency, prosecutor, attorney, or guardian ad litem, in order to help investigate and prosecute any violation involving domestic violence or a violent sexual assault.

Section amended: §8-807

Chapter 69. SB1084: ASRS; long-term disability compensation (Sen. Yarbrough)

Amends the Arizona State Retirement System Long-Term Disability Program definition of "monthly compensation" to mean the amount determined by taking the six pay periods immediately preceding the date of the member's disability, disregarding the highest two and lowest two, and deriving the median of the two remaining pay periods. If the member was employed for fewer than six pay periods, the median of the number of pay periods the member worked in that fiscal year is used.

Section amended: §38-797 and §38-797.07

Chapter 77. SB1248: jury service; lengthy trial fund (Sen. Driggs)

Extends the repeal date of the Arizona lengthy jury trial fund from June 30, 2014 to July 1, 2019. Reinstates the authority that repealed December 31, 2013 for the Supreme Court to impose a filing fee to fund the lengthy trial fund with the identical language and a repeal date of January 1, 2019. Allows the court to defer or waive the fee.

Authorizes a physician assistant to provide a prospective juror with a medical excuse request.

Contains an emergency clause. Effective 4/17/14

Section amended: § 21-202, section enacted: § 12-115

Chapter 83. SB1482: homeowners' associations amendments; omnibus (Sen. Griffin)

In pertinent part, allows a homeowner's association (HOA) to bring an action in Superior Court if there is reason to believe that a nuisance (defined in current law as residential property regularly used in the commission of a crime) exists. Permits officers and employees of an HOA management company to record a notice of lien or notice of claim of lien against a member's property as well as appear on behalf of an HOA in small claims court.

Sections amended: § 12-991, 22-512, 33-1250, 33-1260.01, 33-1812, 41-2198.01 as amended by Laws 2006, Chapter 324 §7

Sections enacted: § 9-461.15, 11-810, 33-1260.01, 33-1806.01

Sections repealed: §9-461.15, 11-810, 22-512 as added by Laws 1980, Chapter 134, §1 and Laws 2012, Chapter 242, §1, 33-1806.01, 33-1250, 33-1260.01 33-1261 as amended by Laws 2013, Chapter 254, §18, §33-1812 as amended by Laws 2013, Chapter 254, §20 and as added by Laws 2013, Chapter 254 §21, 41-2198.01

Chapter 85. HB2103: concealed carry permit; qualifications (Rep. Townsend)

Permits a person who is at least 19 years of age and has proof of current military service or proof of a honorable discharge or general discharge under honorable conditions from the United States armed forces, the reserves, or a state national guard is eligible to receive a conceal and carry weapons permit.

Section amended: §13-3112

Chapter 88. HB2225: county medical examiner; autopsies; images (Rep. Fann)

Prohibits disclosure of photographs, digital images, x-rays and video recordings of human remains that are created by a medical examiner, alternate medical examiner or their employees or agents during a death investigation unless a judge of the superior court grants disclosure of all or part of the materials after reviewing the materials in camera.

Requires the judge of the superior court to balance the interests under the public records laws of this state to determine whether to order disclosure of all or part of the materials. Allows a person that seeks disclosure of the materials to file a petition in the superior court of the county in which the death investigation occurred for an in camera review of the materials. Identifies specific individuals who are authorized to examine and obtain the materials under certain circumstances, including family members, legal representatives and agents, government authorities, medical or educational personnel, and attorneys.

Prohibits a cause of action from arising against the county medical examiner, alternate medical examiner or their employees or agents, or the county for lawfully disclosing a death investigation photograph, digital image, x-ray or video recording pursuant to this section.

States that nothing in the law is intended to affect the conduct of trials or the discovery process as provided by law or court rule.

Section amended: §11-597

Chapter 90. H2268: scrap metal dealers (Rep. Forese)

Allows a scrap metal dealer to give a seller on site a check made payable to an industrial account for all transactions involving air conditioner cooling coils.

Exempts transactions involving materials consisting of a metal product in its original manufactured form that is composed of no more than twenty per cent by weight of nonferrous metal from the records of purchase; transaction limitations statute.

Prohibits scrap metal dealers from knowingly purchasing metal municipal storm grates that are used to allow for water drainage from municipal streets or alleys.

States that the Preemption; power of local authorities; city, town or county licensing system article does not apply to a city's, town's or county's system for licensing a scrap metal dealer if the licensing system includes background checks or identification and fingerprinting of the owners of the scrap metal dealer.

Sections amended: §44-1642, 44-1642.01, 44-1648

Chapter 97. HB2528: municipalities; regulation; sign walkers (Rep. Peterson)

Prohibits municipalities from restricting a sign walker from using a public sidewalk, walkway or pedestrian thoroughfare. Allows for a private civil action and relief, including an injunction, to be awarded against a municipality. Requires the court to award reasonable attorney fees to a party that prevails in any action against a municipality for a violation of this section.

Section amended: § 9-499.13

Chapter 98. HB2537: pawnbrokers; interest; military members (Rep. Shope)

Raises the amount of interest a pawnbroker may charge from a rate of 8% to a rate of 13% per month for the first two months. For each month after the two months the rate of interest the pawn broker may charge is raised from 6% to 11%. If a pawnbroker receives a copy of military orders for a member of the Arizona National Guard, the United States Armed Forces or the Reserves who is a pledgor who has been deployed the pawnbroker must waive any unpaid interest charges and hold the pledged goods until 60 days after the military member returns from deployment. Failure to do so will result in a Class 1 Misdemeanor.

Sections amended: § 44-1626, 44-1631

Chapter 108. SB1158 fireworks; permissible use (Sen. Crandell)

In pertinent part any violation of the fireworks safety article is no longer a Class 3 Misdemeanor; rather, an individual is subject to a civil penalty of \$1,000. Any person who uses fireworks or permissible consumer fireworks on preservation lands, owned by a city or town that has purchased more than 15,000 acres of land for preservation purposes is guilty of a Class 1 Misdemeanor subject to a fine of at least \$1,000.

Section amended: §36-1608

Chapter 113. HB1217: precinct officers; salaries (Rep. McComish)

Increases the maximum salaries of constables to \$16,500 in precincts with an average of 100 or fewer total documents served per year by a constable over the previous four years

Increases the maximum salaries of constables to \$16,500 in precincts with an average of more than 100 total documents served per year by a constable over the previous four years and with 5,000 or fewer registered voters.

Increases the maximum salaries of constables to \$26,000 in precincts with an average of more than 100 total documents served per year by a constable over the previous four years and with more than 5,000 registered voters but fewer than 10,000 registered voters.

Increases the maximum salaries of constables to \$40,000 in precincts with an average of more than 100 total documents served per year by a constable over the previous four years and with 10,000 or more registered voters but fewer than 12,000 registered voters

Increases the maximum salaries of constables to \$50,000 in precincts with an average of more than 100 total documents served per year by a constable over the previous four years and with 12,000 or more registered voters but fewer than 16,000 registered voters.

Increases the maximum salaries of constables to \$67,000 in precincts with an average of more than 100 total documents served per year by a constable over the previous four years and with 16,000 or more registered voters.

Section amended: §11-424.01

Chapter 127. HB2003: watercraft; civil and criminal penalties (Rep. Borelli)

Creates a Class 3 Misdemeanor if the operator of a watercraft is involved in a collision or accident that results only in damage to property of another or another watercraft, and the operator fails to stop and give the operator's name and address and the identification of the operator's watercraft to any person injured and to the owners of any property damaged.

Expands implied consent provisions for boating. Following an arrest, if a person arrested for operating a watercraft under the influence (OUI) refuses to submit to or complete a test of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content then the violator is subject to a civil penalty of \$750 and the case is to proceed similar to that of civil traffic violation.

If the violator refuses to submit to or complete a test of blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content the violator is subject to an additional civil penalty of \$500 to be deposited into the prison construction and operations fund; this civil penalty is not subject to any surcharge. Requires that any municipal, justice or superior court transmit the monies to the respective treasurer who shall then transmit the amount collected to the state treasurer.

Chapter 130. HB2100: address confidentiality program (Rep. Brophy McGee)

Authorizes an eligible person who is a participant in the address confidentiality program to request the general public be prohibited from accessing the person's address and telephone number in records maintained by the county recorder, assessor, or treasurer, including voter registration. The person may attach a copy of the participant's current and valid address confidentiality program authorization card and statement of certification provided by the secretary of state's office in lieu of the form created by the Administrative Office of the Courts.

Allows an individual in the address confidentiality program to designate the secretary of state as an agent for the individual to receive service of process and first Class, election, registered, and certified mail.

Extends the length of time an individual is certified with the program to five years, (previously four years), unless the certification is withdrawn or cancelled before the end of the fifth year. Removes the requirement for the signature of the application assistant who assists in the preparation of the renewal application.

Requires an individual who is no longer a participant in the address confidentiality program to notify any state or local government entity or business that the designated substitute address is no longer valid.

Sections amended: § 11-483, 11-484, 16-153, 41-161, 41-163, 41-164, 41-166

Chapter 131. HB2122: ASRS; election; EORP defined contribution (Rep. Lovas)

Clarifies that an elected official who is or has already been an active, inactive, retired, or disabled member of ASRS will maintain or resume membership within this system upon election, retroactive to January 1, 2014. Requires a member of EODCRS to apply for disability benefits within one year of terminating office. Allows payments of EODCRS disability benefits to be made retroactive only to the date the PSPRS board of trustees receives the application. Contains an emergency clause.

Sections amended: § 38-727, 38-831, 38-833, 38-840.06

Chapter 138. HB2269: civil liability; damages; metal theft (Rep. Forese)

In any civil action, the finder of fact may find the defendant not liable if the defendant proves that the defendant did not act intentionally and that the claimant or, if the claimant is an heir or the estate of a deceased person, the decedent was attempting to commit, committing or immediately fleeing from an act of metal theft and, as a result of that act, attempted act or flight, the claimant or decedent was in any way responsible for the accident or event that caused the claimant's or decedent's harm.

Section amended: §12-712

Chapter 142. HB2310: criminal justice info; court reporting (Rep. Pierce)

Authorizes the Director of the Department of Public Safety to exchange criminal justice information with the superior courts via the central state repository or through the Arizona criminal justice information system for purposes of determining an individual's eligibility for substance abuse and treatment courts in a family or juvenile case.

Section amended: § 41-1750

Chapter 144. HB2312: tampering with a witness (Rep. Pierce)

Expands the victim's rights statutes to include that the juvenile defendant, the juvenile defendant's attorney or an agent of the juvenile defendant may not interview a minor child who has agreed to an interview, even if the minor child's parent or legal guardian initiates contact with the juvenile defendant, the juvenile defendant's attorney or an agent of the juvenile defendant, unless the prosecutor is actually notified at least five days in advance and the minor is informed that the prosecutor may be present at the interview.

Expands the tampering with a witness statute to include knowingly communicating, directly or indirectly, with a witness or person who may be called as a witness to evade a summons or subpoena.

Sections amended: §8-412, 13-2804, 13-4433

Chapter 149. HB2408: financial disclosures; electronic filing (Rep. Stevens)

Effective January 1, 2017, the annual verified financial disclosure statement that public officers are required to file may be filed by the public officer in a form prescribed by the secretary of state that includes authorization for future filings to be submitted in an electronic format. Also allows any subsequent filings to be filed in an electronic format as prescribed by the secretary of state.

Section amended: §38-542

Chapter 151. HB2454: human trafficking; prostitution (Rep. Farnsworth)

Engaging in prostitution with a minor who the person should have known is 15, 16 or 17 years old is added to the Child prostitution statute. Increases the presumptive, minimum and maximum sentence for a person convicted of child prostitution if the minor is 15, 16 or 17 years old.

Creates an affirmative defense for knowingly engaging in prostitution if the defendant committed the acts as a direct result of being a victim of sex trafficking.

Adds to the Commercial sexual exploitation of a minor statute, knowingly using an advertisement for prostitution that contains a visual depiction of a minor. This provision is not applicable to an act in violation of §13-3555, Portraying an adult as a minor, or to websites or internet service providers that host advertisements created and published by third parties and do not participate in creating or publishing the advertisements.

Clarifies language in the pandering statute, §13-3209.

Adds as an aggravating circumstance when a defendant is convicted of Sex trafficking or Trafficking of persons for forced labor or services, whether the defendant recruited, enticed or obtained the victim from a shelter that is designed to serve runaway youth, foster children, homeless persons or victims of human trafficking, domestic violence or sexual assault.

Includes child prostitution, sex trafficking and forced labor trafficking within the offenses included in the definition of racketeering. Allows monies in the anti-racketeering revolving fund and county anti-racketeering revolving funds to be used for programs that provide assistance to victims of criminal offenses that are subject to racketeering.

Establishes the Human Trafficking Victim Assistance fund consisting of monies received from civil penalties imposed for Unlawful advertising by escort services and massage therapists. Requires the Governor's Office for Children, Youth and Families to establish program priorities for the Fund and to spend monies in the Fund to provide assistance to victims of sex trafficking and trafficking of persons for forced labor or services.

Prohibits an escort or escort agency or a massage therapist or massage therapy business to advertise escort or massage services unless enumerated requirements are met. Subjects an escort or escort agency or a massage therapist or massage therapy business to a civil penalty for violating advertising requirements and allows the Attorney General, a county attorney or a city or town attorney to bring an action to enforce escort and massage therapy advertising requirements. Requires the court to deposit any civil penalties collected into the Human Trafficking Victims Assistance Fund. Defines advertising, advertisement, escort, escort agency and massage therapy business.

Enacts an affirmative defense in a civil action brought against an escort or escort agency or a massage therapist or massage therapist business for the first failure to display a license number in an advertisement if the escort or escort agency or massage therapist or massage therapy business possessed a valid license at the time the advertisement was published. Requires an escort or escort agency or a massage therapist or massage therapy business to retain proof of the age of any escort or therapist whose services are offered in any advertisement of escort services or massage therapy services for at least one year. Creates an affirmative defense in a civil action for failure to retain proof of age of an escort or therapist if the escort or therapist whose services were offered in an advertisement was at least 18 years old at the time the advertisement was published. Prohibits a person from advertising massage therapy services

unless that person is properly licensed, violation of this is a Class 1 Misdemeanor. A victim has a right in any court proceeding not to testify regarding any identifying and locating information subject to exceptions. The information obtained by a law enforcement agency or a prosecution agency must be redacted from discovery disclosed to the defendant. Defines *identifying information* and *locating information*.

Sections amended: §9-500.10, 13-701, 13-2301, 13-2314.01, 13-2314.03, 13-3209, 13-3212, 13-3214, 13-3551, 13-3552, 13-4434, 32-4255 Sections enacted: §9-500.10, 32-4260, 41-113

Chapter 152. HB2461: probation officers; authority (Rep. Farnsworth)

Allows probation officers to serve warrants, make arrests, and bring a person before the court if the person is alleged to have violated a condition of pretrial release. Probation officers enforcing pretrial release conditions are granted the authority of a peace officer in the performance of their duties. Current law applies only to Maricopa County.

Section amended: § 12-256

Chapter 154. HB2560: insurance; self-evaluative privilege (Rep. Allen)

Establishes an insurance audit privilege enumerated in statute and sets forth the types of entities to which the audit privilege applies.

With exceptions, an insurance compliance self-evaluative audit document is privileged information and is not discoverable or admissible as evidence in any legal action in any civil or administrative proceeding. The privilege is a matter of substantive law and not a procedural matter governing civil proceedings in the courts.

Allows DOI to obtain a document at any time to ensure a company takes steps to correct deficiencies, and allows the director of DOI to use a document in the furtherance of any regulatory or legal action brought as part of the director's duties.

Confidentiality privileges are not waived if a document is obtained, reviewed, or used in a criminal proceeding. The confidentiality privileges do not provide civil or criminal immunity to an organization. A person who has witnessed events of an audit may testify to those events; however, the person is prohibited from testifying about any information related to a document. An audit does not prevent the discovery of other evidence or information that is not related to the audit.

Sets forth the circumstances in which the confidentiality requirements do not apply

Allows an insurer to file a petition for an in camera review on whether the document is subject to disclosure within 30 days after the request for information from the director of DOI or the attorney general. Required contents of the petition and required court action are included in statute. The court has jurisdiction and a company that fails to file a petition automatically waives confidentiality privileges. Requires the company asserting the confidentiality privilege to demonstrate the applicability of the privilege. The party who believes the company is asserting confidentiality privileges for fraudulent purposes has the burden of proof. Contains exceptions to the confidentiality privilege.

The release of a document does not limit, waive, or abrogate the scope or nature of any state or common law privilege, including the work product doctrine, attorney-client privilege, or the subsequent remedial measure exclusion.

Defines *insurance compliance audit* and *insurance compliance self-evaluative audit document*.

Contains an applicability clause that states the act applies to all litigation and administrative proceedings pending as of July 24, 2014.
Statutes enacted: A.R.S. §20-3301, 20-3302

Chapter 155. HB2567: theft of trade secrets; offense (Rep. Pierce)

Establishes a new Class 5 Felony, Theft of trade secrets, if with the intent to deprive or withhold the exclusive control of a trade secret from its owner or with the intent to make any use of a trade secret, a person does any of the following; takes, transmits, exhibits, conveys, alters, destroys, conceals or uses a trade secret without the permission of the owner; makes or causes to be made a copy of a trade secret without the permission of the owner; receives, purchases or possesses a trade secret, knowing that the trade secret has been obtained in violation of this statute. It is not a defense that the defendant returned or intended to return the trade secret that was stolen, copied, or obtained from another.

Defines *trade secrets*.

Section enacted: § 13-1820

Chapter 156. HB2593: death; post-conviction; appellate proceedings; dismissal (Rep. Allen)

The court is required to dismiss any appeals or post-conviction proceedings upon the death of a convicted defendant. A defendant's death does not abate a criminal conviction, imprisonment, restitution, fine or assessment.

A person sentenced to life in prison with the possibility of release after a minimum number of calendar years for an offense committed before 18 years of age is eligible for parole upon completion of the minimum sentence regardless of whether the offense was committed on or after January 1, 1994. If parole is granted, the person is required to remain on parole for the remainder of the individual's life subject to revocation.

Section amended: § 41-1604.09

Sections enacted: § 13-106, 13-716

Chapter 157. HB2603: TANF recipients; drug convictions; notification (Rep. Borelli)

Requires a clerk of the court or magistrate send a copy of the judgment and sentence to the Department of Economic Security if the court has knowledge that a person convicted of an offense listed in Title 13, Chapter 34 receives Temporary Assistance for Needy Families (TANF) cash benefits.

Section amended: §13-3414

Chapter 158. HB2625: penalty assessment; victims' rights enforcement (Rep. Tobin)

Establishes a penalty assessment of \$2 to be levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and on any civil penalties imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes. Monies collected from the assessment

are deposited into the newly established Victim's Rights Enforcement Fund, to be administered by the Department of Public Safety (DPS). DPS is required to distribute monies from the fund to nonprofit organizations and entities that provide specified services to crime victims and meet other specified requirements.

Sections enacted: §12-116.09, 41-1722

Delayed effective date: January 1, 2015

Chapter 159. HB2639: identity theft; violation; penalties (Rep. Townsend)

Increases the offense of knowingly accepting the identity of another person in hiring an employee to Aggravated identity theft, a Class 3 Felony, instead of Identity theft, a Class 4 Felony.

Sections amended: §13-2008, 13-2009

Chapter 162. HB2086: sale of dextromethorphan; age requirement (Rep. Carter)

Prohibits a commercial entity from knowingly or willfully selling or trading a finished drug product containing any quantity of dextromethorphan to a person under 18 years of age. Further prohibits a person under 18 years of age from purchasing a finished drug product containing any quantity of dextromethorphan. Directs any person making a retail sale of a drug product containing any quantity of dextromethorphan to obtain proof of age from the purchaser, unless the person making the sale can reasonably presume, based on outward appearance, that the purchaser is at least 25 years old.

An individual who sells or trades a finished drug product containing any quantity of dextromethorphan to a person less than 18 years of age will receive a warning on the first offense and a civil penalty of \$50 for the second offense, unless the individual provides documentation that there is an employee training program related to the prohibited sale of dextromethorphan in place.

Section enacted § 32-1978

Section amended § 32-1996

Chapter 164. HB2145: identifying info; peace officer spouses (Rep. Borelli)

Adds the spouse of a peace officer to the list of persons who may file an affidavit to request county officers and the Department of Transportation prohibit access to that person's residential address and telephone number contained in certain public records, and who must be notified of the expiration of restrictions on related public records.

Contains an emergency clause.

Section amended: §11-483, §11-484, §16-153, §28-454, §39-123 and §39-124

Chapter 165. HB2163: limited liability; space flight activities (Rep. Orr)

Authorizes a space flight entity to enter into an agreement with a space flight participant to limit the entity's civil liability for a space flight participant's injury that arises out of space flight activities. The liability release agreement is valid and enforceable.

The statute contains various definitions related to space flight activities.

Section enacted: § 12-558

Chapter 176. HB2571: criminal damage; economic costs (Rep. Escamilla)

Permits restitution for reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair graffiti damage to the property.

Sections amended: §13-1602 and §13-1604

Chapter 177. HB2615: officeholder expense accounts; surplus monies (Rep. Smith)

For monies remaining in the officeholder expense account beginning April 30 in an election year, the exemptions for use of the monies are expanded to include donating to a political committee other than a person's exploratory committee or a candidate's campaign committee, unless the officeholder continues to hold office as prescribed in this section or the officeholder holds any other elected office immediately following completion of the officeholder's term and donating to an organization that qualifies under section 501(c)(4) of the United States internal revenue code, unless the officeholder continues to hold office as prescribed in this section or the officeholder holds any other elected office immediately following completion of the officeholder's term.

Section amended: §41-133

Chapter 182. SB1118: hunting on private land; trespassing (Sen. Pierce)

A person who knowingly remains unlawfully on any real property for the purpose of the taking of wildlife after a reasonable request to leave by a law enforcement officer acting at the request of the owner commits Criminal trespass in the 3rd degree.

Section amended: §17-304

Chapter 185. SB1160: registrar of contractors; discipline grounds (Sen. Griffin)

Requires the Registrar of Contractors to suspend or revoke a license upon notice by the Department of Revenue that a licensee has failed to pay taxes collected in the course of doing business as a licensed contractor.

Sections amended: §32-1124, §32-1154, §32-1164

Chapter 189. SB1266: misconduct involving weapons; judicial officers (Sen. Pierce)

Authorizes an elected or appointed judicial officer to be exempt from the Misconduct involving weapons statute covering only the court facility where the judicial officer works if the judicial officer demonstrates competency with a firearm as required in order to obtain a conceal carry permit. Note, that the bill is silent as to who determines if the standards are met.

The elected or appointed judicial officer must comply with rules or policies of the presiding judge of the superior court while in the court facility. Excludes hearing officers and part-time judicial officer pro-tempore from the definition of *judicial officer*.

Section amended: § 13-3102

Chapter 190. SB1284: public safety officers; omnibus (Sen. Crandell)

In pertinent part, allows a peace officer to request that public access be restricted to court records maintained by the clerk of the superior court which contain personal identifying information. Permits a peace officer to file an affidavit in each case in the superior court of the county that contains the personal identifying information requesting that the court order the general public be prohibited from accessing records that contain the personal identifying information. Requires a peace officer to submit the affidavits to the commanding officer, or designee, who will file the affidavits at one time no more than quarterly, unless there is an affidavit requiring immediate action with justification supporting it. Requires the court to grant a petition if the court finds that granting the petition will reduce the danger to the life or safety of the peace officer or another person.

Requires the Supreme Court to promulgate rules to implement this section.

Defines *personal identifying information* as residential address, telephone number and contact information as stated in the court records. Also defines *peace officer*.

Delayed effective date of January 1, 2015.

Section enacted: §12-290

Chapter 195. SB1460: used catalytic converter; purchase; sale (Sen. Crandell)

An exemption is added to the statute making it unlawful for a person to purchase or sell a used catalytic converter unless the purchase or sale is with a commercial motor vehicle parts or repair business in connection with the sale or installation of a new catalytic converter. The exception added is if the purchase or sale of the use catalytic converter is acquired in a transaction with an industrial account, with another scrap metal dealer or after it is authorized for release by a peace officer of the jurisdiction where the transaction will occur.

Section amended: § 13-3728

Chapter 197. HB2105: court-ordered evaluations; peace officers (Rep. Kavanagh)

Removes the requirement a peace officer rely on firsthand observation as probable cause to take into custody any individual the peace officer believes is a danger to self or others as a result of mental disorder.

Contains an emergency clause. Effective 4/23/14

Section amended §36-525

Chapter 206. HB2307: deferred prosecution fund (Rep. Pierce)

Requires the Arizona Prosecuting Attorney's Advisory Council to modify guidelines pertaining to the deferred prosecution program, as necessary, to conform to any changes that are made to the statute.

Outlines the records a county attorney is required to keep pertaining to the deferred prosecution program, which includes: the number of people enrolled in the program during the previous fiscal year; the number of people who successfully completed the program during the previous fiscal year; and if available, the number of persons who were enrolled in the program during the previous year and who subsequently were convicted of a new felony offense. States that an evaluation of the program must be annually submitted to the Joint Legislative Budget

Committee. Allows the Arizona Prosecuting Attorneys' Advisory Council to provide technical assistance to a county attorney to develop or refine the county attorney's deferred prosecution program.

Allows each county to establish a County Attorney Deferred Prosecution Fund consisting of county general fund appropriations, federal money for deferred prosecution programs and public or private donations, gifts, devises, or grants. This fund is to be distributed at the discretion of the county attorney.

Section amended: § 11-362 Section enacted: § 11-363

Chapter 208. HB2382: conspiracy; homicide; statute of limitations (Rep. Olson)

A prosecution for a conspiracy to commit homicide that results in the death of a person is not subject to a statute of limitations.

Section amended: § 13-107

Chapter 215. HB2667: persons with disabilities (Rep. Mach)

Replaces the term "disabled," "handicap," "handicapped" or "handicapping" throughout the Arizona Revised Statutes with the term "person(s) with disabilities." Requires the state to revise laws, rules, publications, orders, actions, programs, policies and signage to use the term "persons with disabilities" only when updates are otherwise necessary.

Sections amended: §6-433, 6-636, 8-242, 8-271, 8-272, 8-503, 8-514, 8-514.01, 8-530, 8-701, 8-806, 11-251, 11-267, 11-292, 11-301, 11-424.02, 11-1024, 12-128.01, 12-302, 12-1596, 13-701, 13-925, 13-3101, 13-3994, 14-5312, 14-5425, 14-5501, 14-5502, 14-5503, 14-6205, 14-6222, 14-6223, 14-6224, 14-6226, 14-10103, 15-808, 15-891, 15-905, 15-948, 15-1201, 15-1325, 15-1371, 15-1650.01, 15-1808, 15-2401, 16-549, 16-581, 17-332, 20-294, 20-505, 20-826, 20-1341, 20-1342.01, 20-1346, 20-1407, 20-1603, 20-1631, 20-2501, 20-3211, 23-501, 23-502, 23-503, 23-503.01, 23-506, 23-901.04, 23-901.07, 23-1065, 23-1071, 25-320, 25-327, 25-501, 25-809, 28-882, 28-884, 28-2409, 28-2531, 28-3165, 28-5802, 28-5803, 30-807, 31-201.01, 31-226, 31-239, 32-730, 32-2107.01, 32-2133, 32-2612, 33-1125, 35-701, 36-104, 36-132, 36-136, 36-203, 36-260, 36-261, 36-262, 36-263, 36-481, 36-501, 36-519, 36-520, 36-521, 36-523, 36-529, 36 531, 36-533, 36-535, 36-539, 36-540, 36-540.01, 36-540.02, 36-541, 36-541.01, 36-543, 36-548, 36-551, 36-551.01, 36-552, 36-553, 36-554, 36-555, 36-556, 36-557, 36-558.01, 36-559, 36-560, 36-562, 36-564, 36-565, 36-569, 36-572, 36-595.01, 36-596.01, 36-596.56, 36-671, 36-695, 36-697, 36-899.01, 36-1409, 36-1409.01, 36-2201, 36-2281, 36-2283, 36-2902.01, 36 2911, 36-2933, 36-2934, 36-2939, 36-2940, 36-2944, 36-2959, 36-2986, 36-3205, 36-3251, 36 3405, 37-525, 38-492, 38-651.01, 38-712, 38-745, 38-755, 38-765, 38-769, 38-782, 38-783, 38 797, 38-797.07, 38-797.08, 38-807, 38-833, 38-840.07, 38-844.06, 38-846, 38-849, 38-886, 38 886.01, 38-904, 38-956, 40-113, 40-335, 41-151.07, 41-621, 41-901, 41-921, 41-941, 41-942, 41-983.02, 41-1481, 41-1491.19, 41-1543, 41-1973, 41-1974, 41-2636, 41-2821, 41-3016.28, 41-3801, 41 3953, 41-3954, 42-5061, 42-5061, 42-5159, 42-5159, 42-11105, 42-11106, 42-11111, 42-11153, 42-12004, 43-1088, 44-1562, 44-1950, 45-315, 46-191, 46-241.02, 46-251, 46-299, 46-451, 46-741, 48-222, 48-3049, 48-5308

Chapter 219. SB1135: qualified immunity; nonprofit clinics (Sen. Barto)

Current law protects a health care profession as defined in §32-3201 who provides medical and dental treatment within the scope of the professional's license at a nonprofit clinic

from medical malpractice action unless the health professional providing care was grossly negligent. The bill expands the protection to health care professionals providing optometric treatment and to all listed health professionals who provide care or screening in a nonprofit clinic.

Defines '*nonprofit clinic*' to include a clinic, office, homeless or other shelter, a health screening fair or any other setting where treatment, care, or screening is provided at no cost to the patient.

Section amended: §12-571

Chapter 224. SB1342 unlawful mutilation; female genitalia (Sen. Burges)

An action for recovery of damages based on the commission against the plaintiff of an action in violation of the Unlawful mutilation and Duty to report abuse statutes must be commenced not later than ten years from the date the plaintiff turns 18 years old or within six years of July 24, 2014, whichever is longer. Requires the court to award the plaintiff treble damages, costs, and reasonable attorney fees if the judgment is for the plaintiff.

Enacts an Unlawful Mutilation statute, classifies it as a dangerous crime against children pursuant to §13-0705, subsection D, and adds it to the Duty to report abuse statute. It is unlawful for a person to mutilate a female less than 18 years of age, knowingly transport a female under 18 years of age to another jurisdiction for the purpose of mutilation or recklessly transport a female under 18 years of age to a jurisdiction where mutilation is likely to occur. Requires the court to order a person convicted of this section to pay a fine of at least \$25,000 in addition to any other penalty. Unlawful mutilation is classified as a Class 2 Felony and the person is not eligible for suspension of sentence, probation, pardon, or release from confinement on any basis except as authorized pursuant to §31-233 or until the sentence has been served or commuted. Sets the sentencing ranges for the violation.

Defines *mutilate or mutilation* as the partial or total removal of the clitoris, prepuce, labia minora, with or without the excision of the labia major, the narrowing of the vaginal opening through the creation of a covering or seal formed by cutting and repositioning the inner or outer labia, with or without the removal of the clitoris, or any harmful procedure to the genitalia, including pricking, piercing, incising, scraping or cauterizing. Mutilate and mutilation does not include procedures performed by a licensed physician that are proven to be medically necessary due to a medically recognized condition.

The act is cited as the Girls and Young Women's Sufferance Act.

Sections amended: §13-705, 13-3620

Sections enacted: §12-513, 13-1214

Chapter 229. HB2437: public committees; repeal; sunset (Rep. Gowan)

In pertinent part, repeals the Domestic Relations Committee, the Community Notification Guidelines Committee, and the Probate Advisory Panel.

Requires the legislature to review the states participation in the Interstate Commission for Adult Offender Supervision every eight years beginning in 2022 to determine if the state should remain in the compact.

Sections amended: §13-902, 13-3727, 13-3825, 13-3827, 15-249.01, 15-1901, 25-406, 26-304, 28-1303, 28-1821, 28-3053, 28-6308, 35-504, 36-779, 38-618, 41-108, 41-1251, 41-1279, 41-

1361, 41-1502, 41-1505, 41-1719, 41-1829, 41-3101, 41-3953, 41-4255, 41-4256, 41-4257, 43-221, 45-264, 49-456

Sections enacted: §31-467.07, 41-3103

Sections repealed: §12-1001, 13-3826, 14-1110, 15-1650.01, 25-323.01, 25-323.02, 38-619, 41-1008.0141-2754, 41-2999.12, 41-3000.27, 41-3016.24, 41-3017.13, 41-3020.01, 41-3954

Chapter 230. SB1061: paternity (Sen. Barto)

Allows an attorney or agency to accept service of a paternity action on behalf of a mother if the attorney or agency is registered with the state and representing the mother. Service on the attorney or agency is limited to the initial verified petition and summons in the paternity action. Permits the mother to omit her address on the affidavit and notice of paternity to potential fathers and use the attorney or agency's address instead. Service on the attorney does not make the attorney the attorney of record nor does it make the agency the agent for the mother in the paternity action.

Prohibits a father from bringing or maintain any legal proceeding to assert interest in the child if the father fails to file a paternity action within 30 days of being notified of the pregnancy or child. The bill is intended to clarify that paternity actions are subject to the notice requirements of Title 8 and not the Rules of Civil Procedure that govern Title 25 proceedings.

Sections amended: §8-106, 25-804 and 25-806

Chapter 234. SB1221: Attorney General representation; nonparty subpoena (Sen. Biggs)

Authorizes the Attorney General (AG) to represent a current or former officer or employee of the state who is subject to a civil nonparty subpoena. An agency authorized by law to employ legal counsel may provide representation to its current or former officers or employees in the same circumstances under which the AG could represent them.

Section amended: §41-192.02

Chapter 239. HB2514: combat-related special compensation (Rep. Townsend)

Expands the list of disability benefits that the court is prohibited from considering when making a disposition of property during a Title 25 proceeding to include benefits awarded to a veteran under federal law providing for combat-related special compensation.

Sections amended: §25-318.01, 25-530

Chapter 240. HB2562: probation; peace officers; rights; investigations (Rep. J. Pierce)

Provisions Related to Law Enforcement Officers' Rights and Probation Officers' Rights

Reorganizes the sections of statute governing a law enforcement officer and probation officer's rights, transfers all sections of statute governing a probation officer's rights to a newly established article and asserts that statutes related to disciplinary action do not apply to an officer who has been demoted for administrative purposes.

Modifies the definition of *disciplinary action* in that any suspension of a law enforcement officer or probation officer, rather than a suspension for more than eight hours, is subject to a

hearing or other procedure by a reviewing authority according to statute and replaces the term *others* with authorized persons as it relates to the individuals an officer may consult with during an interview.

Requires the written notice that a law enforcement or probation officer provides to an officer who is the subject of an investigation to include copies of complaints that are filed with the employer that include allegations of unlawful discrimination, harassment or retaliation.

Increases the number of days an employer is required to provide a copy of the investigative file to the officer from three business days to 14 calendar days.

Requires an employer to provide the contact information of all people interviewed in an investigative file, rather than the home and work emailing addresses.

Increases the time period from ten to 14 calendar days in which a law enforcement officer or probation officer and employer are required to exchange documents and specific information in an appeal.

Does not preempt written agreements between the employer and the law enforcement or probation officer and that officer's representation.

Adjusts any required time period from business days to calendar days or specifies that a required time period is counted as calendar days.

Provisions Related to only Probation Officers' Rights

In pertinent part, creates a change of hearing officer time requirement in an appeal, within ten days after appointment of the hearing officer.

Removes the option, in an appeal, of continuing the hearing for an additional ten days when an alternate hearing officer is requested through an interagency agreement.

Conforms the open meeting law requirements in a disciplinary appeal to the standard open meeting law.

Includes juvenile detention officers in the provisions conferring rights and responsibilities to probation officers.

Permits, rather than requires, a probation officer to be awarded retroactive compensation in an appeal where a termination has been reversed.

Delayed effective date: January 1, 2015.

Sections amended: §38-651, 38-100, 38-1111, 38-1112, 38-1114

Sections repealed: §38-1101, 38-1104, 38-1105, 38-1106, 38-1107,

Sections enacted: §38-1101, 38-1104, 38-1105, 38-1106, 38-1107; 38-1108, 38-1109, 38-1110.

Chapter 241. HB2665: campaign finance; election; candidate committees (Rep. Mesnard)

Retroactive to September 12, 2013, mandates candidate campaign committees use an acceptable accounting method to distinguish between contributions received for the primary and general elections. Allows a candidate's campaign committee to transfer or contribute monies in the aggregate from one committee to another if both committees have been designated for an election in the same year, including to a committee for another office or in another jurisdiction.

A contribution to a candidate's exploratory or campaign committee must be applied to the primary election unless the contributor has designated otherwise, the application would result in exceeding a contribution limit, or the contribution was received after the primary election and the contribution was not being used to retire primary election debt. Contributions made to the candidate's general election account are solely for influencing the general election.

After the primary election, unexpended or unencumbered primary election account contributions may be transferred to the general election account if the candidate prevailed in the primary election or if the candidate has filed pursuant to ARS §16-341. After the general election, contributions in either account may be combined into a primary election account or a general election account for use in a subsequent election.

Contains an emergency clause (effective April 25, 2014)
Statutes amended: ARS 16-901, 16-902, 16-903, 16-905

Chapter 242. HB1179: constables; prohibited acts (Sen. Burges)

Prohibits a constable from engaging in any act as a private process server outside of the constable's elected or appointed duties and from owning an interest in any entity that operates a private process serving business. Does not apply to a constable who is serving the remaining portion of a term of office that began before July 24, 2014.

Section amended: §22-131

Chapter 246. SB1309: dependency cases; court programs (Sen. Barto)

Allows the court to order services supplemental to those provided through the Department of Economic Security if available at no cost to the state and upon agreement of the service provider.

Permits the court to employ community coordinators to ensure that services are provided in a timely manner; further, authorizes these employees to access information necessary to ensure service delivery. Requires all parties in a case to provide records to the court appointed individual upon request.

Allows the presiding superior court judge to enter into an agreement with a provider of juvenile treatment or shelter services if appropriate facilities are available.

Section amended: § 8-846

Section enacted: § 8-209

Chapter 252. SB1387: special districts (Sen. Crandell)

In pertinent part, makes it a Class 2 Misdemeanor for an elected or appointed officer or employee of a fire district to; appoint or vote for appointment of any person who is related to that officer or employee to any position relating to the district when the salary, wages or compensation of that appointee is paid from public monies or fees, or to appoint, vote for, agree to appoint, work for, suggest, arrange or be a party to the appointment of any person who is related to that officer or employee. Also prohibits an employee of a fire district or their spouse to hold membership on the district board that employs them; violation of this is a Class 2 Misdemeanor.

Authorizes the county attorney to take appropriate action to achieve compliance for training requirements, including filing an action in superior court against a fire district board member or a fire chief.

Sections amended: § 48-251, 48-253, 48-261, 48-262, 48-266, 48-802, 48-803, 48-804, 48-805, 48-805.02, 48-851, 48-853

Section enacted: § 48-805.03

Chapter 253. SB1397: liquor Omnibus (Sen. McComish)

Makes changes to the statute dealing with the forms of identification that can be produced when purchasing spirituous liquor.

Sections amended: § 4-101, 4-112, 4-201.01, 4-203, 4-203.01, 4-203.02, 4-203.03, 4-203.04, 4-205.02, 4-205.03, 4-205.04, 4-205.05, 4-205.08 4-206.01, 4-207, 4-207.01, 4-209, 4-210, 4-212, 4-222, 4-226, 4-227, 4-229, 4-241, 4-242, 4-243, 4-243.01, 4-244, 4-244.04, 4-244.05, 4-250.01, 42-3001, 42-3355, 42-3356

Sections enacted: § 4-205.10, 4-205.11, 4-227.01

Chapter 254. SB1408 money transmitters; laundering; definitions (Sen. Murphy)

Makes a conforming change in a reference to 31CFR in §13-2317, the Money laundering statute.

Sections amended §6-1201, 1241, 13-2301, 2317

Chapter 257. HB2164: laser pointer; aircraft; violation (Rep. Orr)

Prohibits a person from aiming a laser pointer at an occupied aircraft if the person intentionally or knowingly directs the beam of light from a laser pointer or a laser emitting device at an aircraft and the person reasonably should know that the aircraft is occupied, doing so will result in a Class 1 Misdemeanor. If the act renders the pilot unable to safely operate the aircraft or causes serious physical injury to any person on board the aircraft it is an assault pursuant to Title 13, Chapter 12.

Defines *aircraft* as any vehicle that is designed for flight in the air by buoyancy or by the dynamic action of air on the vehicle's surfaces, including powered airplanes, gliders, and helicopters.

Redefines *laser pointer or laser emitting device* as any device that is designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item, or object.

Section amended: §13-1213

Chapter 261. HB2322: national instant criminal background checks (Rep. Pierce)

The clerk of court is required to transmit case information to the Supreme Court of persons found incompetent per to Rule 11, Rules of Criminal Procedure and persons found guilty except insane. The Supreme Court is required to transmit the information to the Department of Public Safety (DPS) and DPS must transmit the information to NICS. The finding of competency is also transmitted to the National Instant Criminal Background Check System (NICS).

A person found incompetent pursuant to Rule 11, Rules of Criminal Procedure and not subsequently found competent and a person found guilty except insane is added to the definition of *prohibited possessor* in §13-3101.

The clerk of court is required to notify the supreme court of an order granting a petition for restoration of the right to possess a firearm filed by a person found to be in need of treatment pursuant to Title 36 (danger to self or others, or persistently, acutely, or gravely disabled as the result of a mental disorder). The Supreme Court is required to update, correct, modify or remove

the person's record in any database that the Supreme Court maintains and is make available to NICS as soon as possible.

A court appointing a guardian is required to make a specific finding as to whether the appointment is due solely to the ward's physical incapacity. Unless that finding is made the clerk of court is required to transmit the case information to the Supreme Court. The Supreme Court is required to transmit the information to DPS and DPS is required to transmit the information to NICS. The order terminating the guardianship is also transmitted to NICS.

If a court enters an order for treatment for a person who has been found to be a danger to self or others, or persistently, acutely, or gravely disabled as the result of a mental disorder, the court is required to transmit the case information to the Supreme Court. The Supreme Court is required to transmit the information to DPS and DPS is required to transmit the information to NICS. The order terminating treatment is also transmitted to NICS.

Upon request, the clerk of court is required to provide certified copies of a commitment order to a law enforcement or prosecuting agency that is investigating or prosecuting a prohibited possessor.

Delayed effective date: January 1, 2015.

Sections amended: § 13-925, 13-3101, 14-5303, 14-5304, 14-5307, 32-2612, 36-509, 36-540

Section enacted: 13-609

Chapter 268. HB2515: unlawful distribution of private images (Rep. Mesnard)

Enacts a new criminal offense, Unlawful distribution of private image and includes intentionally disclosing, displaying, distributing, publishing, advertising or offering a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in specific sexual activities if the person knows or should have known that the depicted person has not consented to the disclosure is a Class 5 Felony, except that a violation is a Class 4 Felony if the depicted person is recognizable.

The offense does not apply to lawful and common practices of law enforcement, reporting unlawful activity, or when permitted or required by law or rule in legal proceedings, lawful and common practices of Medical treatment, images involving voluntary exposure in a public or commercial setting, an interactive computer service, as defined in 47USC§230(f)(2), or an information service, as defined in federal law, with regard to content provided by another person. Clarifies *state of nudity* and *specific sexual activities* have the same meaning as in ARS §11-811.

Unlawful distribution of private images is added to the list of acts that constitute domestic violence when specified relationships exist between the victim and the defendant.

Section enacted: §13-1425

Section amended: §13-3601

Chapter 269. HB2563: juvenile crime victims' rights (Rep. Pierce)

Prevents a juvenile who is adjudicated delinquent from denying the elements of the delinquency in a civil action brought later by the victim or the state. A victim of delinquency retains the victim's rights if the delinquency is overturned and a new hearing is provided. Authorizes the appointment of a representative for a vulnerable adult who is a victim of juvenile

delinquency. States that if the victim is killed or incapacitated, the law enforcement agency responsible for investigating the juvenile delinquency must provide the victim or the immediate family with one copy of the police report and any additional supplements to the report at no charge. Requires that a notice of adjudication and a memorandum of decision or opinion from the issuing court be provided to victims of juvenile delinquency.

Increases the victim's right to privacy and right to release information. Directs the prosecutor in any delinquency proceeding to make reasonable effort to notify a victim of any request for a continuance.

Repeals and rewrites A.R.S. § 8-415 to ensure a reexamination proceeding within ten days if a victim's right was denied or not protected. The court shall reconsider any decision that arises from a proceeding in which the victim's right was not protected, though failure to use reasonable efforts to perform a duty or provide a right is not cause to set aside an adjudication or disposition after trial and does not provide grounds for a retrial. A victim may make a motion to reopen a plea or sentence only if the victim was not voluntarily absent from the proceedings, has asserted the right to be heard and the right was denied, and the accused has not plead to the highest offense charged. The failure to use reasonable efforts to provide notice and a right to be present or be heard at a proceeding that involves a post-conviction release is a ground for the victim to seek to set aside the post-conviction relief until the victim can be present or heard. If the victim seeks to have a post-conviction release set aside based on the failure to perform a duty or provide a right, the court or department of juvenile corrections shall afford the victim a reexamination proceeding.

Allows a victim to leave work to obtain an order of protection, an injunction against harassment or any other injunctive relief regarding the health, safety or welfare of a victim or the victim's child. Requires the posting of victim's constitutional rights in each juvenile court in this state. Aligns A.R.S. § 8-413 with § 13-4434 as it relates to the criminal code. Defines *identifying information* and *locating information*. States that any identifying or locating information involving the victim that is obtained by a law enforcement agency or prosecution agency must be redacted from records pertaining to the criminal case, including discovery disclosed to the defendant.

Sections amended: § 8-383, 8-384, 8-386, 8-391, 8-392, 8-397, 8-409, 8-413, 8-414, 8-420, 8-421
39-127

Sections enacted: § 8-350.02, 8-415

Section repealed: § 8-415

Chapter 270. HB2565: manslaughter; assisting suicide (Rep. J. Pierce)

Amends the offense of Manslaughter to include intentionally providing the physical means another person uses to commit suicide with the knowledge that the person intends to commit suicide, replacing intentionally aiding another to commit suicide.

Section amended: §13-1103

Chapter 277. SB1282: racing omnibus (Rep. Pierce)

In pertinent part, exempts any advance deposit wagering provider who has been approved by the Arizona Racing Commission as well as a permittee from the violation of Accepting wager or bets on the results of a race, whether the race is conducted in or outside this

state, including buying, selling, cashing, exchanging or acquiring a financial interest in a pari-mutuel ticket from a person in this state outside of a racing enclosure or an additional wagering facility that is approved by the commission and that is located in this state. Sections amended: §5-101, 5-105.01, 5-110, 5-111, 5-112, 5-113, 44-313

Bills Vetoed

Vetoed. HB2339: firearms; permit holders; public places (Rep. Barton)

The Governor vetoed HB2339 which would have required public entities to provide security personnel and screening devices at each entrance into public buildings in order to limit or prohibit weapons. The Governor vetoed similar bills in 2011 and 2012 and felt her concerns were still not addressed in HB2339. A non-primary concern was the fiscal impact on state agencies as she felt it was an unnecessary diversion of limited resources.

Vetoed. HB2517: firearms; state preemption; penalties (Rep. Smith)

The Governor vetoed HB2517 which would have required the court to declare invalid any act or ordinance that violates state laws concerning the regulation of firearms. It also subjected an elected or government official to personal liability while in the performance of their official duties. The veto message stated that a person or organization who perceives an ordinance as illegal may seek remedies through the legal system. Further, the broadness of the bill mandating the court take action without regard to the consideration of facts was troubling. Lastly, the Governor was concerned by the vague and punitive provision that a person in violation of the statute is “subject to termination from employment.”

Vetoed. SB1366: firearm; definition (Sen. Murphy)

The Governor vetoed SB1366 which would have changed the firearm definition resulting in the exclusion of certain weapons that could cause serious injury or death. The weapons that would have been excluded would thus be allowed in public buildings such as courts, community corrections facilities and polling places. The bill would have prevented law enforcement officers from temporarily taking away such a weapon from a person during an interaction or interview. The Governor was also concerned about the removal of the *readily convertible* definition of a firearm which, as a result, could allow an individual and an accomplice to carry two pieces of a weapon into a public building and once inside easily reassemble the firearm.

Department of Child Safety

SB1001

Replaces the Department of Economic Security with a new child welfare agency; the Department of Child Safety (DCS). Outlines the duties and purpose of the DCS to include investigating of reports of child abuse or neglect; assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement, working cooperatively with law enforcement regarding reports that include criminal conduct allegations, and without compromising child safety, coordinating services to achieve permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment for abused and neglected children.

Defines *criminal conduct allegation* as an allegation of conduct by a parent, guardian, or custodian of a child that, if true, would constitute any of the following: a violation of §13-2623 involving child abuse; a felony offense that constitutes domestic violence; sexual abuse, misconduct, or assault involving a minor (including continuing abuse); molestation of a minor.

Establishes an inspections bureau (IB) within the department that is responsible for ensuring that department policies and procedures are being followed by all staff in accordance with federal and state law. Requires the IB to monitor specific programs and services and continuously improve the practices of the department. Monitoring and evaluations may include formal audits, various levels of inspections, program evaluation and other quality assurance activity approved by the director. Requires the departments to create a quality assurance process and methods by which data based decisions are made, including the consistent measurement of process outcomes and examination of current practices. Directs the department to use the quality assurance data to establish appropriate programs and improve practices within the department. Directs the IB to attempt to correct problems arising during an inspection at an immediate level by coaching, mentoring, and teaching the employees present.

Continues the Oversight Committee and establishes a new community advisory committee to analyze current law and policy and make recommendations to improve the ability of the department to increase the safety of children, respond to child maltreatment and assure the well-being of and timely permanency for children that are referred to and involved in the child welfare system. The 15 members are appointed by the director and include a representative of the following:

- Child welfare agencies that provide contracted services to children and families
- Child advocacy organizations that deal with the child welfare system policy issues
- Current or former foster or adoptive parents
- Medical providers who have experience in diagnosing and treating injuries related to abuse and neglect
- Volunteers from the foster care review board or court appointed special advocate program
- Persons with an academic appointment to a state university who conduct research in child welfare services, child maltreatment or child abuse or neglect
- The courts who is involved in child welfare issues

Requires the Department of Child Safety and Family Services (DCSFS) to operate and maintain a centralized intake hotline. If a person communicates suspected abuse or neglect to a department employee other than through the hotline, the employee must refer the person or communication to the hotline.

States that the hotline shall be operated to:

- Record communications made concerning suspected abuse or neglect
- Identify and locate prior communications and reports for investigation related to the current communication using the department's data system and the central registry system of this state
- Quickly and efficiently provide information to a law enforcement agency or prepare a report for investigation
- Determine the proper initial level of investigation based on the risk assessment and direct the report for investigation to the appropriate part of the department based on this determination

Requires the hotline worker to immediately provide the information, if a communication includes an allegation that criminal misconduct has been committed, to both of the following:

- The appropriate law enforcement agency pursuant to the protocols developed pursuant to §8-817 (Initial screening and safety assessment and investigation protocols)
- If a report for investigation is prepared, the office of child welfare investigations

Requires a hotline worker to prepare a report for investigation if all of the following are believed to be true:

- The suspected conduct would constitute abuse or neglect if true
- The suspected victim of the conduct is under 18 years of age
- The suspected victim of the conduct is a resident of or present in this state or any act involved in the suspected abuse or neglect occurred in this state
- The person suspected of committing the abuse or neglect is the parent, guardian or custodian of the victim or an adult member of the victim's household

Requires information to be provided to the appropriate law enforcement agency even if the identity or location of the person suspected of abuse or neglect or the victim of the abuse or neglect is not known and for a report for investigation to be prepared even if the identity or location of the person suspected of abuse or neglect or the victim of the abuse or neglect is not known.

Requires DCSFS to develop and train hotline workers to use uniform risk assessment tools to determine:

- Whether the suspected conduct constitutes abuse or neglect and the severity of the suspected abuse or neglect
 - If the suspected abuse or neglect involves criminal conduct, even if the communication does not result in the preparation of a report for investigation
 - Referral to the appropriate investigative track based on the risk to the child's safety
- A report for investigation shall include all of the following:
- The name, address or contact information for the person making the communication

- The name, address and other location or contact information for the parent, guardian or custodian of the child or other adult member of the child's household who is suspected of committing the abuse or neglect
- The name, address and other location or contact information for the child
- The nature and extent of the indications of the child's abuse or neglect, including any indication of physical injury
- Any information regarding possible prior abuse or neglect, including reference to any communication or report for investigation involving the child, the child's siblings or the person suspected of abuse or neglect

Mandates all child safety workers be trained with respect to the legal rights of parents as well as impact and competency based intervention practices related to adverse childhood experiences, culturally and linguistically appropriate service delivery, domestic violence, family centered engagement and trauma informed responses. Child safety investigators must be trained to conduct forensic interviews.

Information gathered through the hotline shall be made available to an employee of the department in order to perform the employee's duties and the department shall publicize the availability and the purposes of the hotline.

Defines *centralized intake hotline* as the system developed to receive complaints of child abuse and neglect regardless of the communication methods or technologies used to implement the system.

Sections amended: §5-572, 8-101, 8-106.01, 8-113, 8-141, 8-142, 8-161, 8-171, 8-201, 8-201.01, 8-202, 8-241, 8-242, 8-243.01, 8-271, 8-303, 8-304, 8-341.01, 8-471, 8-481, 8-501, 8-503.01, 8-506, 8-506.01, 8-507, 8-512, 8-514.01, 8-514.03, 8-514.04, 8-514.05, 8-520, 8-521, 8-525, 8-531, 8-532, 8-533, 8-548.05, 8-801, 8-802, 8-803, 8-804, 8-806, 8-807, 8-808, 8-810, 8-811, 8-812, 8-814, 8-816, 8-817, 8-818, 8-821, 8-823, 8-824, 8-825, 8-830, 8-843, 8-845, 8-846, 8-881, 8-882, 8-883, 8-884, 12-692, 13-2929, 13-3620, 13-3623.01, 15-765, 15-825, 15-1181, 15-1204, 25-403.03, 25-807, 32-3271, 35-101, 35-148, 36-324, 36-558.01, 36-664, 36-698, 36-883, 36-1201, 36-2282, 36-2284, 36-2901, 36-2906, 36-2930, 36-2988, 36-3434, 36-3435, 36-3501, 36-3502, 36-3903, 41-191.09, 41-619.51 as amended by Laws 2013, chapter 128, section 11, 41-619.52, 41-619.53, 41-619.57, 41-621, 41-803, 41-1005 as amended by Laws 2013, First Special Session, Chapter 10, §10, 41-1092.02, 41-1376, 41-1380, 41-1750, 41-1758, 41-1954, 41-2021, 41-2501, 41-2636, 41-2752, 41-3802, 41-3804, 43-613, 43-1505, 46-101 and 46-134, 46-141, 46-295, 46-300.05, 46-803, and 46-806

Sections transferred and renumbered: §41-1969.01 as §8-471; §8-651 and 8-652 as §41-2021 and 41-2022, respectively; §8-701 as §8-481; 8-551, 8-552, 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566, 8-567 and 8-568 as §36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907, 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 and 36-3915, respectively; 8-601 as §25-1401; 46-139 as §8-462

Sections repealed: §8-502, 8-550, 8-800, 8-802, 41-619.51, as amended by Laws 2013, Chapter 129, §24; §41-1005 as amended by Laws 2013, Chapter 231, §4; §41-1758 as amended by Laws 2013, Chapter 129, §25; §41-1969.01 as amended by Laws 2013, first special session, Chapter 5, §9

Sections enacted: §41-3024.06

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:

June 23, 2014

Type of Action Requested:

Formal Action/Request
 Information Only
 Other

Subject:

Maricopa County
Search Warrant Pilot
Program

FROM:

Presiding Judge Norman Davis, Superior Court in Maricopa County

DISCUSSION

Judge Davis will updated the Council members on the search warrant pilot program in Maricopa County.

RECOMMENDED COUNCIL ACTION:

Information only.

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
MARICOPA COUNTY SUPERIOR COURT) No. R-14-0018
LOCAL RULE 4.10)
)
)
)
)
) **FILED 5/28/2014**
)
_____)

O R D E R

A petition having been filed by the Presiding Judge of Maricopa County Superior Court advising that a majority of the judges on the Maricopa County Superior Court bench have approved the proposed addition of Rule 4.10 to the Local Rules of Practice for that court, and after consideration,

IT IS ORDERED approving the addition of Rule 4.10 to the Local Rules of Practice for the Maricopa County Superior Court, in accordance with the attachment hereto, effective as of the date this Order is signed.

DATED this 28th day of May, 2014.

Rebecca White Berch
Chief Justice

TO:
Norman J Davis

ATTACHMENT*

LOCAL RULES OF PRACTICE – MARICOPA COUNTY

* * *

RULE 4. CRIMINAL CASES

Rule 4.1 – 4.9 [No change.]

Rule 4.10. ~~Deleted June 12, 2013, effective July 1, 2013~~ Electronically Transmitted Search Warrants

a. Scope. This rule does not modify any statute regulating search or seizure.

b. Electronic Requests. Affidavits for search warrants may be submitted, upon approval of the court, through a secure internet connection using an electronic signature.

c. Electronic Oaths. The court may use an electronic oath for electronically transmitted search warrants and returns.

d. Orders. Magistrates may sign search warrants using an electronic signature. The electronic copy with the electronic signature will be considered the original order.

e. Returns. Search warrant returns may be submitted, upon approval of the court, through a secure internet connection using an electronic signature.

f. Validity of Electronic Signatures. The application or execution of a search warrant shall not be deemed invalid for the sole reason that the application or execution of the warrant relies upon electronic signatures of the peace officer or prosecutor seeking the warrant or magistrate issuing the warrant.

* * *

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.



DUI Blood Draw eSearch Warrant and Return

Hon. Norman J. Davis, Presiding Judge
Maricopa County Superior Court

Timeline - eSearch Warrant

- Summer 2011 – Project collaboration with Maricopa County Superior Court and Phoenix Police Department
- Supreme Court Administrative Order 2012-15 authorized a two-year pilot project.
- Superior Court Administrative Order 2012-111 started the pilot project on July 20, 2012.
- August 2012 - Pilot application with one DUI Van Police Officer
- September 2012 – All Phoenix Police Department DUI Squads using application
- December 2012 - Entire Phoenix Police Department using application

Affidavit/Search Warrant Development Process

- Required Administrative Order and a Rule change
- Standardized affidavit language and format
- Ongoing planning and design meetings between Superior Court and Phoenix Police Department
 - Designed and developed user interface (secure website) and forms
 - Developed secure log in process for law enforcement officers
 - Developed data model to store data
 - Reengineered several business processes
 - Designed and developed judicial officer interface and work queue within our case management system
 - Developed efilings process for affidavit
- Tested law enforcement interface, judicial officer interface, and resolved bugs
- Piloted and deployed project
- Pilot project became permanent by Local Rule 4.10 effective May 28, 2014.

Timeline eReturn*

- Late August 2013 – Received Grant from Governor's Office on Highway Safety to develop return and deploy application to additional agencies
- September – November – Designed, Developed, Tested the eReturn process, piloted with one Phoenix Police Department Officer, now piloting with all Phoenix DUI squads
- December 2013 – Gradual deployment to additional law enforcement agencies within Maricopa County

*Made possible from GOHS Grant

eReturn Development Process*

- Received Grant from GOHS - \$30,576 (used \$17,792.57)
- Issued letter to local law enforcement agencies and invited participation
- Held three informational/demonstration sessions
 - Chandler Police Department – Sept. 18
 - Glendale Police Department – Sept. 19
 - Superior Court - Nov. 4
- Designed, developed and enhanced law enforcement officer website to include the Return. Law Enforcement Officers no longer required to drive to IA Court to submit the return.
- Designed, developed and enhanced judicial officer interface to receive and accept the return. Uses an Electronic Oath for Law Enforcement Officers.
- Developed and expanded the data model
- Developed training video/materials
- Tested and piloted with one PPD officer, then deployed to other PPD officers
- Current ongoing work to resolve issues and bugs
- Deployment to additional Maricopa County Law Enforcement Agencies during the upcoming weeks and for use by the holiday DUI Task Force.

*Made possible with GOHS Grant



Participating Law Enforcement Agencies

- Avondale
- Chandler
- Gilbert
- Goodyear
- MCSO
- Mesa
- Peoria
- Phoenix
- Salt River Pima-Maricopa Indian Community
- Scottsdale
- Surprise
- Tempe
- Wickenburg
- Youngtown

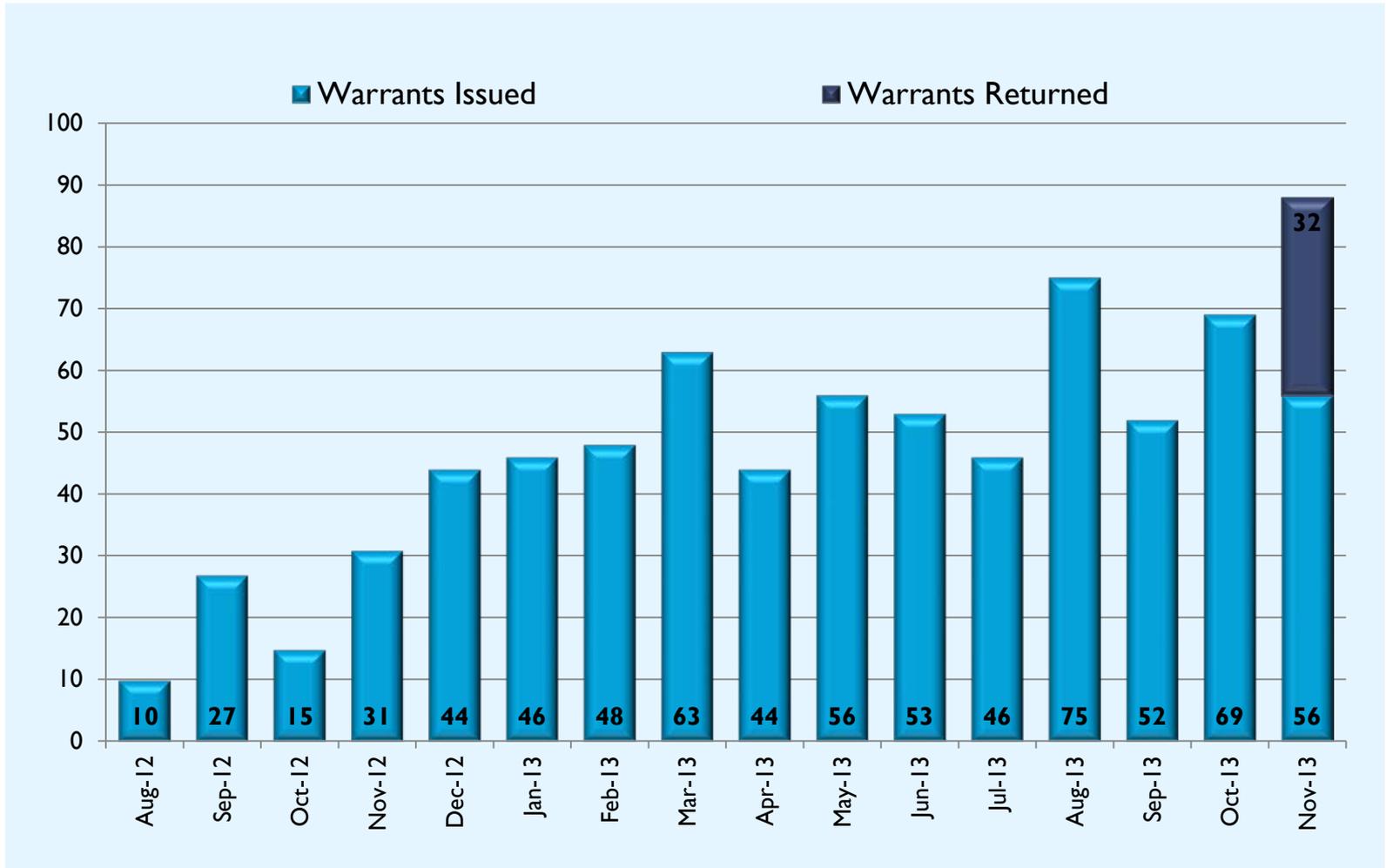
Technology

- ASP.NET (C#) for the application framework
- MVC 3.0 for the display layer
- AJAX for asynchronous database calls
- Entity Framework for database interactions
- Microsoft SQL Server for the database
- SSRS for reports and document generation
- Pre-existing Work Queue framework built into iCISng

Reusability

- Law enforcement website is a stand alone module that can be replicated
- The Judicial Officer work queue is embedded in our case management system.
- Work with your local courts to develop a communication path to integrate with their CMS.

DUI Blood Draw Data



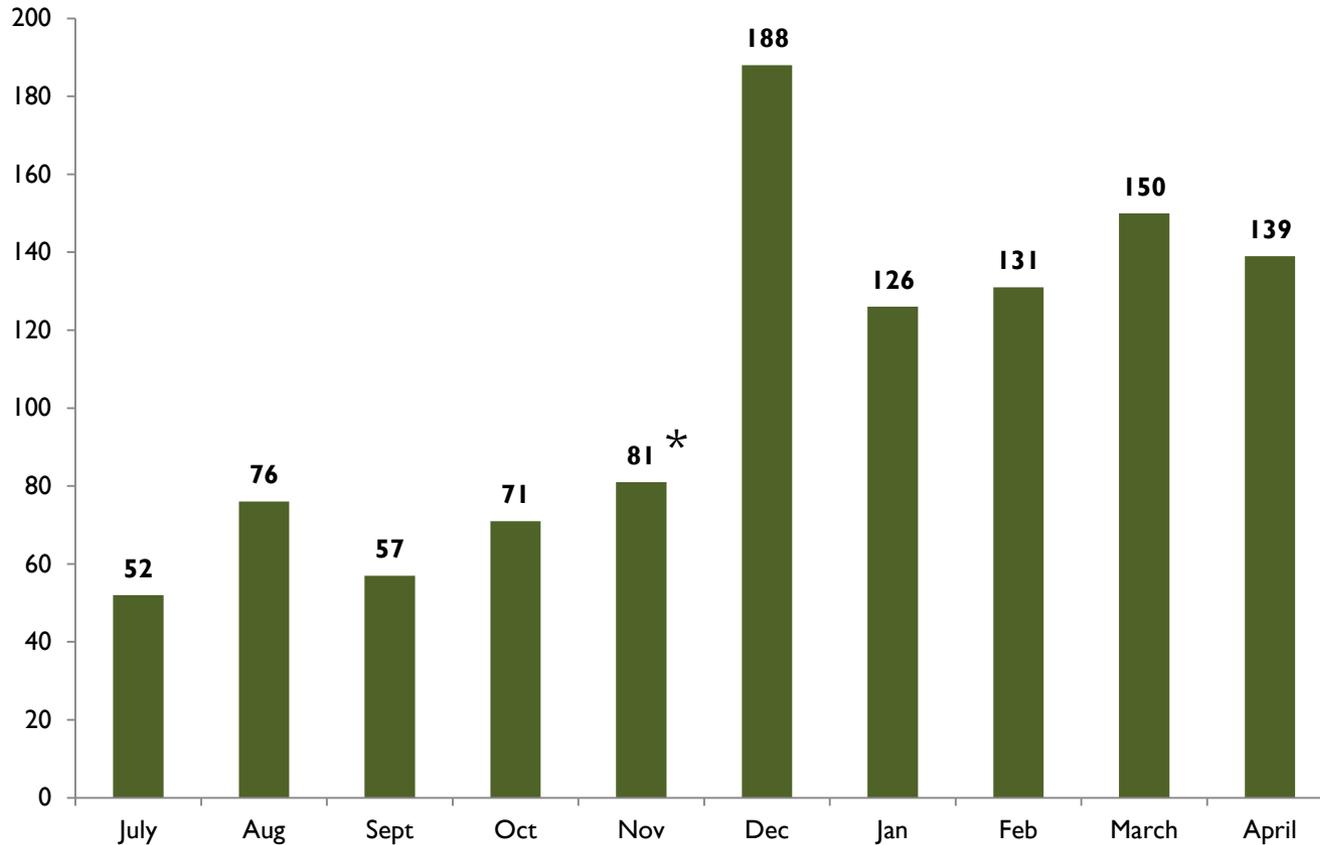
DUI Blood Draw Warrants

July 1, 2013-May 7, 2014

City	Total
City of Avondale	1
City of Chandler	38
City of Gilbert	62
City of Goodyear	8
City of Mesa	66
City of Peoria	7
City of Phoenix	708
Salt River Pima-Maricopa Indian Community	5
City of Scottsdale	146
City of Surprise	12
City of Tempe	46
City of Wickenburg	2
City of Youngtown	1
County of Maricopa, State of Arizona (MCSO)	19
Total	1,121

DUI BLOOD DRAW WARRANTS

July 2013 – April 2014



* Expanded beyond City of Phoenix