

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

---

<b>Date Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
June 19, 2017	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Branch Update

---

**FROM:**

Jerry Landau, Government Affairs Director  
Amy Love, Deputy Government Affairs Director

**DISCUSSION:**

Mr. Landau and Ms. Love will update members on the 2017 Legislative Session.

**RECOMMENDED COUNCIL ACTION:**

Review of Legislative Session

# 53rd Legislature - 1st Regular Session

## Legislative Update 2017

### **Chapter 6/SB1050: private process servers; duties (Sen. Kavanagh)**

Private process servers may serve all process, writs, order, pleadings or papers that are permitted to be served by a sheriff or constable unless otherwise provided by law.

Section amended: § 12-3301

### **Chapter 8/SB1066: clerk of the court; reporting (Sen. Burges)**

The clerk of superior court is no longer required to automatically report unpaid fines, fees, incarceration costs or restitution to the prosecutor and the sentencing court. Instead, the clerk must make the person's payment history available for free upon request of the prosecutor, the victim, the victim's attorney, the probation department, the court or the clemency board. Requires victims to be notified of the right to request the defendant's restitution payment history.

Requires the court or a clerk, if directed by the court, to provide a convicted drug offender's name, case number, date of conviction and crime convicted of and, if known, the person's social security number, birth date, address and license or registration number to the person's licensing board, including teachers. If the individual receives cash assistance this information must also be sent to DES. Removes the automatic transferring of a convicted person's judgement, sentence and opinion of the court to these entities, making the information available upon request only.

Sections amended: § 13-810, 13-3414, 13-3990, 13-4410 and 31-412

### **Chapter 11/SB1084: electronic records; retention; storage (Sen. Worsley)**

Allows electronic documents to legally satisfy retention requirements set by law, including agency policy. Removes the retention exemption for information whose sole purpose is to enable the record to be sent, communicated or received. Removes permissive authority for governmental agencies to not use or allow the use of electronic records or electronic signatures. Removes language permitting a governmental agency to adopt additional retention policies.

Sections amended: § 44-7007, 44-7012 and 44-7042

### **Chapter 14/SB1157: competency hearings; jurisdiction; referral (Sen. Borrelli)**

Allows the presiding judge of the superior court to authorize a justice of the peace or municipal court to exercise jurisdiction over competency hearings in that court upon the agreement of the justice of the peace or the municipal court judge. Permits the presiding judge to authorize a justice of the peace court or municipal court to hear a

competency case from another limited jurisdiction court with the approval of both limited jurisdiction court judges.

Section amended: § 13-4503

**Chapter 27/ HB2085 sentencing document; fingerprint; misdemeanor offenses (Rep. Farnsworth)**

Requires the court to include a fingerprint on a judgement of guilt and sentence document or minute order at the time of sentencing for any theft and shoplifting offense. Requires a court or an individual appointed by a court to permanently affix the defendant's fingerprint to the document or order or obtain and record the defendant's two fingerprint biometric-based identifier in the court case file for defendants convicted of theft or shoplifting offenses.

Section amended: §13-607

**Chapter 34/ HB2237: forcible entry; detainer; prohibited rules (Rep. Farnsworth)**

Prohibits a state agency or an individual court from adopting or enforcing a rule or policy that requires a mandatory or technical form for providing notice or for pleadings relating to a forcible entry, forcible detainer, or special detainer. The form of any notice or pleading that meets statutory requirements for content and formatting is sufficient to provide notice and to pursue such an action.

The prohibitions are applied to ARS § 12-1175 (general court processes for FED), ARS § 33-361 (violation of lease by tenant), ARS § 33-1305 (Residential Landlord and Tenant Act), ARS § 33-1404 (Mobile Home Park Residential Landlord and Tenant act), and ARS § 33-2101 (Recreational Vehicle Long-Term Rental Space Act).

Sections amended: §12-1175, 33-361, 33-1305, 33-1404 and 33-2101

**Chapter 35/ HB2240: alternate grand jurors; service (Rep. Farnsworth)**

Requires a presiding superior court judge or designee to swear in an alternate grand juror at the time of impanelment instead of after a permanent juror has been excused. Allows the presiding judge's designee, in addition to the presiding judge, to excuse a grand juror and replace with an alternate grand juror.

Sections amended: §21-401 and 21-406

**Chapter 36/ HB2241 victims' rights; pleading endorsements (Rep. Farnsworth)**

Requires counsel for a crime victim to be endorsed on all pleadings after a notice of appearance has been filed.

Sections amended: § 8-416 and 13-4437

### **Chapter 44/SB1211: ADOT omnibus (Sen. Fann)**

In pertinent part, modifies the definition of *suspension* to state that reinstatement of driving privileges is not contingent on paying a reinstatement fee; however, the driver is still responsible for the fee.

Sections amended: § 28-334, 28-3001, 28-6540, 28-9203 and 41-2501

Sections repealed: § 28-6543, 28-6544 and 41-2501

### **Chapter 51/HB2220: electronic files; access; official record (Rep. Bowers)**

If the presiding judge of the superior court provides electronic access or filing privileges to attorneys, the privilege must also be provided to pro se litigants. Access to an attorney may be limited to records of cases in which the attorney is a party or the attorney of record for one of the parties. Access to a pro se litigant may be limited to records that are related to the pro se litigant's case.

Section amended: §12-284.02

### **Chapter 52/ HB2404: initiatives; circulators; signature collection; contests (Rep. Leach)**

In pertinent part, prohibits a person from paying or receiving money or any other thing of value based upon the number of signatures collected on a statewide initiative or referendum petition. A violation is a Class 1 Misdemeanor.

The deadline to challenge the lawful registration of a paid petition circulator is ten business days rather than five days after the date on which the petitions are filed. Allows any person to contest the validity of an initiative or referendum. Requires multiple actions contesting the validity to be consolidated. In addition to contesting the validity of an initiative or referendum, any person is permitted to seek to enjoin the secretary of state or other officer from certifying or printing the official ballot for the election that will include the proposed initiative or referendum measure.

Contains legislative findings and severability clause.

Sections amended: §19-111.01, 19-118 and 19-122

Section enacted: 19-118.01

### **Chapter 59/HB2239: incompetent, nonrestorable defendants; involuntary commitment (Rep. Farnsworth)**

Due to the complexity of the bill, the following detailed summary is provided.

ARS Title 13, Chapter 41 outlines the process for determining whether a defendant is incompetent to stand trial. ARS § 13-4501 defines incompetent to stand trial as a

defendant who, as a result of mental illness, defect or disability, is unable to understand the nature and object of the proceeding or to assist the defense. The presence of a mental illness, defect or disability alone is not grounds for finding a defendant incompetent to stand trial. This determination is different from finding a defendant guilty except insane.

### **Self-Incrimination**

Current law reads that the privilege against self-incrimination applies to any examination that is ordered by the court pursuant to ARS Title 13, Chapter 41. ARS § 13-4508(a). As such, evidence or statements that are obtained during an examination is not admissible at any proceeding to determine a defendant's guilt or innocence unless the defendant presents evidence that is intended to rebut the presumption of sanity. ARS § 13-4508(b). However, HB2239 adds that the evidence or statements gathered during an examination may be used by any party in a hearing to determine whether the defendant is eligible for court-ordered treatment pursuant to Title 36, Chapter 5 or is a sexually violent person (SVP).

All reports submitted under § 13-4508 will be sealed per court order after a plea of guilty or guilty except insane, or after the trial, or after it is found that the defendant is unable to be restored to competence. However, the court may order that the reports be opened:

- for use by the court, defendant, or prosecutor (if permitted by law) for further competency or sanity evaluations or in a hearing to determine whether the defendant is eligible for court-ordered treatment or is a SVP
- for statistical analysis
- when records are necessary to assist in mental health treatment
- for use by the probation department or the state department of corrections for the assessment and supervision or monitoring of the defendant for treatment
- for use by a mental health treatment provider that provides treatment or assesses the defendant for treatment
- for data gathering
- for scientific study

### **Incompetent Defendants**

If the court finds that a defendant is incompetent to stand trial and there is no substantial probability that the defendant will regain competency within 21 months after the date of the original finding of incompetency, any party may request that the court:

- remand the defendant to an evaluating agency for the institution of civil commitment proceedings. If a defendant is remanded, the prosecutor must file a petition for evaluation and provide any known criminal history for the defendant.
- appoint a guardian.

- release the defendant from custody and dismiss the charges against the defendant without prejudice.

HB2239 adds to this section that if the court enters an order related to commitment of a defendant or the appointment of a guardian, the court may also order an assessment of the defendant's eligibility for private insurance or public benefits that may be applied to the cost of the defendant's medically necessary care. Furthermore, the court may retain jurisdiction over the defendant until the defendant is committed for treatment or a guardian is appointed.

If the defendant is remanded for civil commitment proceedings and the court is notified that the civil commitment evaluation is not completed or that the defendant has not been ordered into treatment, the court may order the sheriff to take the defendant into custody to determine if either a guardian should be appointed or the charges should be dismissed without prejudice.

### **Sexually Violent Persons**

HB2239 adds a new statute to ARS Title 13, Chapter 41, ARS § 13-4518, for the screening of sexually violent persons and the appointment of competent professionals. This new section provides that if a defendant is incompetent to stand trial, the county attorney may request that the defendant be screened to determine whether they may be a SVP, if:

- there is no substantial probability that the defendant will regain competency within 21 months; and
- the defendant is charged with a sexually violent offense.

Furthermore, if a screening to determine SVP status is ordered:

- the court shall appoint a competent professional to conduct the screening and submit a report to the court; and
- the case cannot be dismissed until the report is provided to the court and either:
  - a hearing is held, or
  - the county attorney files a SVP petition.

This section also allows the court to hold a hearing to determine if the county attorney is or will be filing a SVP petition. If the county is or will be filing a SVP petition, the court shall set a due date for the SVP petition and further proceedings will be conducted. If no petition will be filed, the court shall proceed pursuant to § 13-4517.

### **Evaluation of a Person Incompetent to Stand Trial**

ARS Title 36, Chapter 5, Articles 4 and 5 outline the process for evaluating a person and seeking civil commitment for purposes of court-ordered mental health treatment. Under ARS § 36-520, any responsible person can apply for a court-ordered evaluation of a person who is alleged to be:

- a danger to self or to others; or

- a person with a persistent or acute disability or grave disability; and who
- is unwilling or unable to undergo a voluntary evaluation.

The application is provided to a screening agency, which must provide a pre-petition screening within 48 hours. ARS § 36-521. From the pre-petition screening, the agency completes a report of opinions and conclusions. If the report indicates that there is reasonable cause to believe the patient meets the criteria above, the agency is required to file a petition for a court-ordered evaluation of the person. If after evaluation, the court finds by clear and convincing evidence that the patient meets the criteria above, the court must order the patient in to one of the following:

- outpatient treatment;
- combined inpatient and outpatient treatment; or
- inpatient treatment in a mental health treatment agency or in a hospital.

The court must consider all available and appropriate alternatives for treatment and patient care and must order the least restrictive treatment alternative available. HB2239 adds to § 36-521 that a prescreening is not necessary if a petition for court-ordered evaluation is filed by a prosecutor on a finding that the defendant is incompetent to stand trial.

As required by ARS § 36-523, the petition for evaluation must contain:

- the name, address and interest in the case of the individual who applied for the petition.
- the name, and address if known, of the proposed patient for whom evaluation is petitioned.
- the present whereabouts of the proposed patient, if known.
- a statement alleging that there is reasonable cause to believe that a patient has a mental disorder or a persistent or acute disability.
- a summary of the facts that support the allegations that the patient is dangerous or has a grave disability.
- if the petition is filed by a prosecutor, the petition must include any known criminal history, including whether the proposed patient has even been found incompetent to stand trial.
- other information that the director or court may require.

If the petition is not filed because it has been determined that the person does not need an evaluation, the agency shall destroy the petition after six months. However, HB2239 adds to this section that if the petition is not filed because the person does not need an evaluation, the person shall be remanded for disposition. If the person is out of custody, the court may order the person to be taken into custody for disposition.

If a person is not taken into custody or if the evaluation of a proposed patient is not initiated within 14 days from the date of the order, the order and petition for evaluation will expire. HB2239 in ARS § 36-529 provides that the court and prosecuting agency must receive notice of the expiration of an order for an evaluation. The court is then allowed to

enter any order necessary for further disposition pursuant to ARS § 13-4517 (outlined above), including a pickup order directing that the person be taken into custody. Furthermore, ARS § 36-529 does not prevent any person from initiating another court-ordered evaluation of the proposed patient.

Regarding the release of a proposed patient, HB2239 adds a new subsection to ARS § 36-531, ARS § 36-531(e). This subsection requires the medical director of an evaluating agency to provide notice within 24 hours to the court and the prosecuting agency of the intent to release a person if further evaluation is not appropriate in the opinion of the medical director. The person must be detained for an additional 24 hours to allow for required notices and the medical director must provide patient records to the court and prosecuting agency.

### **Court-Ordered Treatment**

A petition for court-ordered treatment, found in ARS § 36-533, must allege:

- (1) that the proposed patient is in need of treatment because the patient, as a result of mental disorder, is a danger to self or others, or has a persistent or grave disability;
- (2) appropriate or available treatment alternatives; and
- (3) that the patient is unwilling to accept or incapable of accepting treatment voluntarily.

HB2239 provides that if a prosecutor filed this petition for court-ordered treatment, the prosecutor must include known criminal history and any previous findings of incompetency.

If, after the filing of a petition for court-ordered treatment and before the hearing, the medical director of the evaluation agency finds that it is more appropriate to either discharge the patient or to admit the proposed patient on a voluntary basis, the medical director must do so after receiving approval from the court. HB2239 revises ARS § 36-534 to provide:

- before a patient is discharged or admitted for voluntary treatment, the medical director must notify the prosecuting agency at least 24 hours before the release or discharge of a patient.
- the evaluation agency must detain the person for an additional 24 hours to provide for notice to the prosecuting agency.
- the prosecuting agency may then request a hearing to determine if the person should be returned to custody for a disposition.
- the court must order the medical director to provide patient records to the court and the prosecuting agency.

ARS § 36-540 also allows the court to order a medical director to provide notice to the court of any noncompliance with the terms of a treatment order, if the person is subject to court-ordered treatment. During any period of outpatient treatment, the court, on its

own motion, may also determine that a patient is not complying with the terms of an outpatient treatment order and may amend its original order. This is different from current law which only allows this option on motion by the medical director of the patient's outpatient treatment facility. The amended order may alter the outpatient treatment plan or order the patient to inpatient treatment. However, the amended order cannot increase the total period of commitment originally ordered by the court or exceed the maximum period allowed for an order for inpatient treatment.

§ 36-540 also provides for when a patient refuses to comply with an amended order for inpatient treatment. In this circumstance, the court, on its own motion or at the request of the medical director, can authorize and direct a peace officer to take a patient into protective custody and transport the patient for inpatient treatment. HB2239 also proposes that any authorization, directive or order issued to a peace officer to take the patient into protective custody must include:

- a) the patient's criminal history, and
- b) the name and telephone numbers of the patient's:
  - i. case manager;
  - ii. guardian;
  - iii. spouse;
  - iv. next of kin; or
  - v. significant other, as applicable.

When the court does not find a person to be in need of court-ordered treatment, the evaluating agency must notify the prosecuting agency within 24 hours of its finding. The court must order the medical director to detain the person for an additional 24 hours for notice to the prosecuting agency. The court may also remand the person to the sheriff's custody for disposition if the court has retained jurisdiction.

### **Conditional Outpatient Treatment**

HB2239 revises ARS § 36-540.01 to state that if the patient is a part of an outpatient program, the prosecuting agency may provide the court with information contained in a patient's criminal history that may be relevant for protecting the patient and the public in developing the patient's outpatient treatment plan. In addition to the treatment plan requirements found in § 36-540.01(B), HB2239 adds that the outpatient treatment plan must include any provisions that the medical director or court believes are necessary to protect the well-being of the patient and the public.

If a patient is not in compliance with outpatient treatment, the court may order that the medical director provide notice to the court of the specific instances of noncompliance. Additionally, the medical director may amend any part of the outpatient treatment plan during the course of conditional outpatient treatment. If the plan is amended, the medical director must issue a new order including the amended outpatient treatment plan. Under

HB2239, copies of that new order and outpatient treatment plan must be filed with the court and with the prosecuting agency.

The medical director may also rescind an order for conditional outpatient treatment and order the patient to return to a mental health treatment agency. HB2239 requires that the medical director give notice to the court that issued the treatment order and the prosecuting agency.

### **Release or Discharge from Treatment Before Expiration Period**

A patient who is found to have a grave/acute disability may be released from inpatient treatment when, in the opinion of the medical director of the mental health treatment agency, the level of care offered by the agency is no longer required. The patient may agree to continue treatment voluntarily. If released, the medical director must arrange an appropriate alternative placement for the patient. If the patient is under a guardianship, the medical director must notify the guardian and any relevant regional behavioral health authority ten days before the patient's intended release date that the patient no longer requires the level of care offered by the agency. The guardian or regional behavioral health authority must arrange alternative placement with advice from the medical director.

Currently, § 36-541.01 allows a patient who has been ordered to undergo treatment to be released from treatment before the expiration of the period ordered by the court if the medical director decides that the person is no longer a danger to others or a danger to self or no longer has a grave/persistent disability. However, under HB2239, this section prohibits the release of a person subject to court-ordered treatment who was found to be incompetent to stand trial prior to the expiration of the treatment period ordered by the court, unless notice is provided by the medical director.

If a patient is undergoing court-ordered treatment pursuant to a petition filed by a prosecuting agency, the medical director must notify the court and the prosecuting agency if the civil commitment order:

- expires;
- is terminated; or
- if the patient is discharged to outpatient treatment.

However, this notice is not required for amended orders resulting from a patient's need for acute or emergency care during the court-ordered treatment. HB2239 also extends this pre-release and pre-discharge notice to victims, relatives and other persons for patients who are subject to court-ordered treatment and who have been found incompetent to stand trial.

The court may make a determination of whether the standard for release has been met based on a review of the record and any affidavits without further hearing. For good cause, the court may order and evidentiary hearing. HB2239 adds that if a hearing is held, the court must order the medical director of the mental health treatment agency to provide

to the court and the prosecuting agency the patient's records, including medical and treatment records.

### **Release or Discharge from Treatment at Expiration Period**

ARS § 36-542 provides that a patient ordered by court to undergo treatment shall be discharged at the expiration of the period of treatment ordered unless one of the following occurs:

1. the person accepts voluntary treatment at the mental health agency
2. before the discharge date, a new petition is filed in the county in which the patient is being treated.
3. an application or continued court-ordered treatment is granted. (HB2239)

A patient must comply with the discharge statute's requirements (§ 36-541.01) prior to discharge if the discharge is the result of the medical director deciding not to file a new petition for court-ordered evaluation, court-ordered treatment, or a continuation of the previous court-ordered treatment.

Newly added ARS § 36-543(H) relieves the treatment facility from civil liability for any acts committed by a released patient if the treatment agency followed the requirements and process outlined in law in good faith.

### **Absence from Court-Ordered Treatment/Tolling**

ARS § 36-544(A) allows the evaluation or treatment agency to apply to the court for a warrant or court order to take a patient who is absent from evaluation or treatment into custody to bring the patient back to the agency.

The period of court-ordered treatment is tolled during the unauthorized absence of the patient. § 36-544(C) requires the treatment agency to file a notice with the court within five days of a patient's unauthorized absence to request that the treatment order be tolled. If the court does toll the period of court-ordered treatment, notice of the order must be provided to the patient by regular mail at the patient's last known address. If the patient is undergoing treatment as a result of a remand under § 13-4517, notice must also be provided to the prosecuting attorney. The treatment agency must notify the court of the date of the patient's return. On notice of the patient's return, the court shall issue an order that provides the time period that was tolled.

HB2239 adds subsection (D) to § 36-544. This subsection provides that a patient whose treatment is tolled for at least 60 days may request judicial review on return to treatment. During the tolling period, a treatment agency is required to use information and other resources to facilitate efforts to locate and return the patient to treatment. The agency must file a report that specifies the information and resources used to facilitate its efforts at least once every 60 days or as often as ordered by the court. The court is permitted to terminate the treatment order after 180 days of tolling, if the court is satisfied that the agency has made the required efforts and notice is provided to the prosecuting

agency. The tolling of court-ordered treatment is prohibited for periods of more than 365 days.

Under § 36-544(F), the treatment agency is relieved from liability for any damages that result from the action of a patient during a court-ordered tolling period if the treatment agency followed the requirements and process outlined in law in good faith.

### **New Definitions Added by HB2239**

HB2239 expands the ARS § 13-4501(3) definition of a *mental health expert* to include a license physician or psychologist who is familiar with criminal and involuntary commitment statutes.

*Criminal history* means police reports, lists of prior arrests and convictions, criminal case pleadings and court orders, including a determination that the person has been found incompetent to stand trial. ARS § 13-4518(6).

*Prosecuting agency* means the county attorney, attorney general or city attorney who applied or petitioned for an evaluation or treatment. ARS § 13-4518(37).

*Absent without proper authorization* or *unauthorized absence* includes being absent from an inpatient treatment facility without authorization, no longer living in a placement or residence specified by the treatment plan without authorization and leaving or failing to return to the country or state without authorization. ARS § 36-544(G).

### **Chapter 60/ HB2280 department of revenue; electronic filing (Rep. Shooter)**

In pertinent part, decreases the first offense of tax fraud violation from a Class 5 Felony to a Class 1 Misdemeanor.

Sections amended: § 5-407, 42-1108, 42-1125, 42-1126, 42-1127, 42-1129, 42-2075, 42-3053, 42-3352, 42-3353, 42-3354, 42-3355, 42-3462, 42-5005, 42-5014, 42-5017, 42-13002 and 43-323

### **Chapter 64/HB2444 sexual assault; victim advocates; privilege (Rep. Syms)**

Prohibits a sexual assault victim advocate from being examined regarding communication made between the advocate and a sexual assault victim in a civil action. Excludes a civil action relating to the civil commitment of sexually violent persons, an advocate's duty as a mandatory reporter, and communications the advocate knows or should have known that the victim has given or will give that are perjurious or would tend to disprove the existence of a sexual assault, unless the sexual assault program or service provider has immunity under other provisions of law. Allows a party to an action to make a motion for disclosure of privileged information, and upon finding reasonable cause, requires the court to hold a hearing in camera to determine if the privilege should apply.

Establishes minimum requirements to qualify as a sexual assault victim advocate and makes them mandatory reporters.

Section amended: § 13-3620

Section enacted: § 12-2240

**Chapter 72/SB1380: DCS; background checks; central registry (Sen. Barto)**

In pertinent part, expands the population who is eligible to use the services of a confidential intermediary to include the adoptee's biological grandparent and any members of the adoptee's extended biological family (undefined).

Sections amended: §8-134, 8-506, 8-804 and 8-811

**Chapter 78/SB1078: electronic digital signatures; requirements; ADOA (Sen. Worsley)**

Requires the Arizona Department of Administration (ADOA), in consultation with the state treasurer (no longer the secretary of state), to adopt policies or rules establishing policies and procedures for the use of electronic digital signatures by all state agencies, boards and commissions for documents that are filed. Removes current requirements for the use of digital requirements and instead requires digital signatures to comply with the policies or rules adopted by ADOA. Governmental agencies, except state agencies, must determine if, and the extent to which, the agency will send and accept electronic records and electronic signatures.

Requires state agencies to comply with the appropriate standards and policies adopted by ADOA and accept electronic records and signatures. State agencies, excluding the judicial branch, are required to accept electronic records and electronic signatures.

Expands the definition of *electronic signature* to include a digital signature.

Contains an emergency clause. Effective March 27, 2017

Sections amended: § 18-106, 28-2065, 41-121, 41-352, 44-7011, 44-7041 and 44-7042

**Chapter 83/SB1073: license plate covers; prohibition (Sen. Farley)**

Prohibits a person from applying a covering, substance, electronic device, or electrochromatic film on a license plate that obscures the view from any angle of the numbers, characters, year validating tabs or name of the jurisdiction issuing the plate, unless it is authorized by ADOT. Classifies the offense as a civil traffic violation.

Section amended: § 28-2354

**Chapter 85/SB1239: parking violation; disabilities; access aisles (Sen. Kavanagh)**

Prohibits a person from stopping, standing, or parking a motor vehicle, including a vehicle with an international symbol of access special plate or placard, in the access aisle of a disabled parking space. Classifies the offense as a civil traffic violation.

Defines *access aisle*.

Section amended: § 28-884

**Chapter 87/SB1422: vacating conviction; trafficking; local offenses (Sen. Quezada)**

Permits a person who committed prostitution under state law or a city or town's prostitution ordinance prior to July 24, 2014 to apply to the court to have the sentence vacated if the offense was a direct result of the person being a victim of sex trafficking. A vacated conviction does not qualify as a historical prior felony conviction and cannot be considered for enhanced misdemeanor sentencing.

Section amended: § 13-907.01

**Chapter 89/HB2084 tribal courts; involuntary commitment orders (Rep. Farnsworth)**

Allows a mental health treatment facility to admit a patient for involuntary treatment pending the filing of a tribal court's order with the superior court clerk. A patient must be discharged from the mental health treatment facility if the tribal court order is not filed with the clerk by the close of business on the next court day unless the next court day is a tribal holiday, in which case the tribal court order must be filed with the clerk by the close of the following day. A patient committed to any mental health care treatment facility is subject to state jurisdiction.

Section amended: § 12-136

**Chapter 90/ HB2106 garnishment; continuing lien; school employee (Rep. Boyer)**

Invalidates a continuing lien ordered against a judgment debtor if the debtor leaves the garnishee's employ for more than 90, rather than 60, days or the judgment debtor has not earned any nonexempt earnings for at least 90 days, rather than 60, days if the judgment debtor is an employee of a school district, a charter school, the Arizona State Schools for the Deaf and the Blind or an accommodation school. The judgment debtor must subject to an employment contract that specifies paydays restricted to the school year.

Section amended: § 12-1598.10

**Chapter 119/SB1350: terrorist threats; false reports; terrorism (Sen. Petersen)**

Expands the offense of terrorism to include providing advice, assistance or direction in the conduct, financing or management of a terrorist organization. A violation is a Class 2 Felony. A person who is convicted of terrorism may be sentenced to life or natural life and is not eligible for commutation, parole, work furlough, or work release. If the person does not receive a life or natural life sentence, the person shall be sentenced to minimum of 10 years, a presumptive term of 16 years, but no more than 25 years.

It is unlawful for a person to threaten to commit an act of terrorism and to knowingly make a false report of an act of terrorism and to communicate the threat to any other person. A violation is a Class 3 Felony. It is not a defense to a prosecution that the person did not have the intent or capability of committing the act of terrorism. Additionally, a person who is convicted is liable for the expenses related to the investigation or response to the threat or report.

Relocates offenses related to the unlawful use of infectious biological substance or a radiological agent from the terrorism section (ARS § 13-2308.01) into the newly added section, § 13-2308.03.

Repeals the current hoax statute (ARS § 13-2925). Defines *expenses*, *public agency* and *terrorist organization*. Expands the definition of *terrorism* and *public establishment*.

Sections amended: § 13-107, 13-902, 13-2301 and 13-2308.01

Sections enacted: § 13-2308.02 and 13-2308.03

Section repealed: § 13-2925

### **Chapter 125/HB2375 victims; medical bills; prohibited acts (Rep. Boyer)**

A licensed healthcare provider who agrees to the Victim Compensation and Assistance Fund (VCAF) rules is allowed to receive the program money for providing health and medical services to a victim or claimant. A licensed health care provider who provides services to a victim and accepts the full allowable payment from VCAF is deemed to have accepted payment in full.

Prohibits the provider from collecting or attempting to collect any payment for the same services from the victim or claimant. Allows the provider to collect the unpaid balance for the services from the victim or claimant or from a third-party payor if the program is unable to pay the full allowable payment to the provider because of a lack of available monies. The total amount billed or requested by the provider cannot exceed the full allowable payment that the provider agreed to accept from the program.

Prohibits a provider who receives notice that a person has filed a claim with the program from conducting any debt collection activity for money owed by the person included in the filed claim until an award is made of the claim or a determination is made that the claim is not compensable. The debt collection activity does not include billing or inquiries about the status of the claim.

Defines *debt collection activity* and *licensed health care provider*.

Section amended: § 41-2407

**Chapter 126/HB2412: voter registration records; petition submittals (Rep. Coleman)**

Effective March 31, 2017, all elections officers are required to prepare additional copies of an official precinct list and provide them to any requesting person upon payment of a specified fee. Additionally, the county recorder, SOS and other officer in charge of elections are allowed to charge a fee for a certain amount of copies of voter registration records, rather than a fee of 5¢ per name on a printed list and 1¢ per name on an electronic list. Prohibits a voter's email address from being released for any purpose, any violation is a Class 6 Felony.

Effective October 1, 2017, the SOS is permitted to authorize for statewide and legislative offices the creation, use and submission of petitions in electronic form, if those petitions provide for an appropriate method to verify signatures of petition circulators and signers. Furthermore, the SOS is allowed to require the use of a unique marking system for petition pages, including a bar code, a quick respond code or another similar marking system.

The record of death provided by the Arizona Department of Health Services to the SOS is required to include each individual's date of death.

Contains an emergency clause and a delayed effective date.

Sections amended: § 16-165, 16-168, 16-315 and 16-341

**Chapter 130/SB1109: fingerprinting; child placement; IT contractors (Sen. Brophy McGee)**

Permits the Department of Child Safety (DCS) to place a child with a person who has a significant relationship with the child in addition to a parent or relative. During an emergency situation, DCS must ensure each adult member of the relative's or person's household consents to a preliminary state and federal name-based background check and submits a full set of fingerprints within 15 days of the preliminary background check.

Requires an IT employee of a contractor or subcontractor who has access to DCS information to obtain a fingerprint clearance card. Directs DCS to conduct a background check on all adults who live in the home or have been identified as having caregiving responsibilities before a child who has been in out-of-home care is placed with a parent. The results of the background check must be considered when making a safety assessment of the placement.

Require DCS to immediately remove a child from a home if any adult household member fails to provide fingerprints. If the placement of the child in the home was court ordered and an adult member fails to provide fingerprints, DCS must immediately request a change of physical custody from the court.

Sections amended: § 8-463 and 8-514.02

**Chapter 138/SB1437: agencies; review; GRRC; occupational regulation (Sen. Barto)**

In pertinent part, allows a person to petition the Governor's Regulatory Review Council (GRRC) to request a review of a final rule based on the person's belief that the final rule does not meet the statutory requirements. If the final rule does not meet the statutory requirements, the practice, policy statement or rule shall be considered void. Allows any individual harmed by an occupational regulation to petition an agency to repeal or modify any occupational regulation within the agency's jurisdiction. Within 90 days after the petition is filed, the agency must repeal, modify, or amend the occupational regulation or state the basis on which the agency concludes the occupational regulation complies with statute.

Allows any individual to file an action in a court of general jurisdiction to challenge an occupational regulation, whether or not a petition has been filed. In order for the petitioner to prevail against a challenged occupational regulation, the court must find by a preponderance of evidence that the challenged occupational regulation burdens the entry into or participation in an occupation, trade or profession and that the state has failed to prove that the challenged occupational regulation is necessary to specifically fulfill a public health, safety or welfare concern. If the court finds for the plaintiff, the court must enjoin further enforcement of the occupational regulation and must award reasonable attorney fees and costs to the plaintiff.

Contains a legislative intent clause and severability clause. The intent clause states that courts should provide heightened scrutiny to cases involving occupational licenses and the right to earn a living.

Defines *health, safety or welfare, individual and occupational regulation*.

Sections amended: § 41-1033, 41-1052, 41-1092.07 and 41-1092.08

**Chapter 141/ HB2246 Arizona lengthy trial fund; continuation (Rep. Grantham)**

The sunset date of the Arizona Lengthy Trial Fund is extended from July 1, 2019 to July 1, 2027. The sunset date on the authority to collect additional fees for filings, appearances, answers or responses is extended from January 1, 2019 to January 1, 2027.

Amends laws 2003, chapter 200, section 13

**Chapter 149/ HB2477 civil forfeiture; report information; remedies (Rep. Farnsworth)**

Increases the burden of proof required of the state in a civil asset seizure and forfeiture proceeding from a preponderance of the evidence to clear and convincing evidence.

In an in rem forfeiture proceeding, an owner of or interest holder in property may file a claim against the seized property (within 30 days of forfeiture notice) for a hearing to adjudicate the validity of his or her claimed interest in the property. This hearing will be conducted without a jury. Furthermore, an owner or interest holder may not be charged a filing fee or any other charge for filing the claim.

Replaces the current liability exemption regarding reasonable cause for seizure and forfeiture with the following: on entry of judgement for a claimant in any forfeiture proceeding, the seized property or interest in property must be returned immediately to the claimant designated by the court. The person or seizing agency that made the seizure and the attorney of the state are not personally liable to suit or judgment based on the seizure unless the seizing agency or attorney for the state intended to cause injury or was grossly negligent.

Removes the requirement that the court must order a claimant, who fails to establish his entire interest is exempt from forfeiture, to pay the state's costs and expenses and the costs of any claimant who establishes that his or her entire interest is exempt from forfeiture. Instead, the court may award reasonable attorney fees, expenses, and damages for loss of the use of the property to any claimant who substantially prevails by an adjudication on the merits of a claim.

The court must award the claimant treble costs or damages if the court finds that reasonable cause did not exist for the seizure for forfeiture or the filing of the notice pending forfeiture, complaint, information or indictment and that the seizing agency or attorney for the state intended to cause injury or was grossly negligent.

The award for treble costs or damages must be apportioned between the agency that made the seizure and the office of the attorney for the state.

Removes the prohibition against evidence suppression in forfeiture hearings on the grounds that its acquisition by search or seizure violated constitutional protections applicable in criminal cases relating to unreasonable searches and seizures.

Sections amended: § 13-2314, 13-2314.01, 13-2314.03, 13-4305, 13-4306, 13-4310, 13-4311, 13-4312 and 13-4314

### **Chapter 151/ HB2244 initiatives; standard of review; handbook (Rep. Farnsworth)**

The constitutional and statutory requirements for statewide initiate measures must be strictly construed. Requires that the person using the initiative process strictly comply with constitutional and statutory requirements.

Mandates the secretary of state (SOS) to prepare and publish an initiative, referendum and recall handbook each election cycle that provides guidance on interpreting, administering, applying and enforcing initiative, referendum and recall laws. Any committee that uses the sample initiative petition provided by the SOS is presumed to have strictly complied with certain statutory form requirements.

Contains a legislative intent clause.

Sections enacted: § 19-102.01 and 19-119.02

**Chapter 163/SB1442: Corrections officer retirement plan; modifications (Sen. Lesko)**

Outlined below are the changes to the Corrections Officer Retirement Plan for new probation and surveillance officers, starting on or after July 1, 2018. This summary includes who qualifies to be a member of the plan and the requirements those members need to meet in order to receive their retirement or early retirement under the plan. These requirements include: age of eligibility, how many years a member must serve, and the applicable multipliers. This summary also includes the contributions that must be made into the plan by members and employers.

**§ 38-881(13)(g).** *Designated position* under this subsection means probation and surveillance officers.

**§ 38-881(27). Definition of the term *member***

The term *member*:

- means any employee:
  - who is a full-time paid person employed by a participating employer in a designated position.
  - who is receiving salary for personal services rendered to a participating employer or would be receiving salary except for an authorized leave of absence.
  - whose customary employment is at least forty hours each week.
- includes probation and surveillance officers who are hired on or after July 1, 2018 and who makes the irrevocable election to participate in the plan under 38-881.01 (described below).
- does not include an employee who is hired on or after July 1, 2018, unless the employee was an active, an inactive or a retired member of the plan or a member of the plan with a disability on June 30, 2018.

**§ 38-881(28)(c). Definition of *normal retirement date* for members on or after July 1, 2018**

For an employee who becomes a member of the plan on or after July 1, 2018, the normal retirement date is the first day of the calendar month immediately following the employee's completion of ten years of credited service if the employee is at least 55 years old.

**§ 38-881.01. Employees hired on or after July 1, 2018; defined contribution plan; benefit election; disability**

A probation or surveillance officer, hired on or after July 1, 2018, and who was not a member of the plan, is eligible to participate in either the Corrections Officer Retirement Plan or the Public Safety Personnel Defined Contribution Retirement Plan depending on their election. The employee's participation in either of the previously mentioned plans begins ninety days after the date the employee is hired. If the elections are not made before the ninetieth day after the date of employment, the employee is automatically enrolled into the Corrections Officer Retirement Plan for the remainder of their employment with an employer under the plan. During the first 60 days of an employee's employment and before they make a decision regarding their retirement plan, the board must provide training and counseling regarding the two above mentioned plans.

Any election made is irrevocable and is the employee's election for the remainder of their employment with any employer under the plan. This is regardless of whether the employee's employment is continuous.

A probation or surveillance officer may make one of the following irrevocable elections:

- To participate solely in the Corrections Officer Retirement Plan.
- To participate solely in the Public Safety Personnel Defined Contribution Retirement Plan.

If determined eligible within the first 90 days of employment for an Accidental Disability Pension (38-886), the employee will be automatically enrolled in the Corrections Officer Retirement Plan for the remainder of their employment with any employer under the plan, starting on the employee's date of disability.

**§ 38-884. Membership of retirement plan; termination; credited service; redemption; reemployment**

Members who have less than ten years of credited service, on or after July 1, 2018 and ceases to be an employee for a reason other than death or retirement will be paid accumulated contributions plus interest at a rate determined by the Board.

**§ 38-885. Normal retirement; conditions and pension**

38-885(F)

A member who becomes a member of the Corrections Officer Retirement Plan on or after July 1, 2018 is eligible for a normal retirement pension if the member is at least:

- 55 years old, and
- has ten or more years of credited service.

A member who retires on or after their normal retirement date shall receive a monthly amount equal to the member's average monthly salary multiplied by the number of whole and fractional years of credited service multiplied by the following:

- 1.25% if the member has at least ten years of credited service but less than 15 years of credited service.
- 1.50% if the member has at least 15 years of credited service but less than 20 years of credited service.
- 1.75% if the member has at least 20 years of credited service but less than 22 years of credited service.
- 2.00% if the member has at least 22 years of credited service but less than 25 years of credited service.
- 2.25% if the member has at least 25 years of credited service.

### **§ 38-885.02. Early Retirement**

Members who are (1) hired on or after July 1, 2018, and (2) who have earned at least ten years of credited service, may retire at 52.5 years of age and will receive an actuarially equivalent retirement benefit to the benefit amount prescribed in 38-885(F), which is described above.

### **§ 38.888. Pension to the surviving spouse of a member**

Entitles each eligible child to a child's pension if a deceased member does not have an eligible surviving spouse or if the pension of the eligible surviving spouse is terminated.

### **§ 38-891. Employer and member contributions**

For members hired on or after July 1, 2018, each employer shall make contributions:

- sufficient under such actuarial valuations to pay 33.3% of the normal cost; and
- 50% of the actuarially determined amount required to amortize the total unfunded accrued liability for each employer.

For members hired on or after July 1, 2018, each member shall contribute:

- the remaining 66.7% of the normal cost; and
- the remaining 50% of the actuarially determined amount required to amortize the total unfunded accrued liability,
- divided by the total number of the employer's members hired on or after July 1, 2018, such that each member contributes an equal percentage of the member's compensation.

Member contributions will begin simultaneously with membership in the plan and will be made by payroll deduction.

The Board may not suspend contributions to the plan unless:

- The plan's actuary determines that continuing to accrue excess earnings could result in the disqualification of the plan's IRS tax-exempt status; and
- The Board determines that the receipt of any additional contributions required under this section would conflict with its fiduciary responsibility.

The unfunded liability amortization period under CORP is not more than 20 years.

- However, an employer (does not include the state or any state agency) may make a one-time election to request the board use a closed period of not more than 30 years if:
  - a resolution is adopted requesting the longer amortization period and specifies the actuarial valuation date for which the new amortization period is about to begin; and
  - the employer submits a written request for the longer amortization period along with the adopted resolution to the administrator of the Board.
- The Board may use a closed period of not more than 30 years for the judiciary.

If a member's employment is terminated, the member's total liability associated with their service with the employer remains with the employer.

#### **§ 38-895.01. Compensation limitation; adjustments; definition**

The annual compensation limit for members hired on or after July 1, 2018 shall not exceed \$70,000. The Board must adjust the \$70,000 annual compensation limit by the average change in the probation wage index, beginning in fiscal year 2021-2022, and every third fiscal year thereafter. This limit, as adjusted by the Board, may not exceed the maximum compensation limit of 401(a)(17) of the Internal Revenue Code.

To determine the probation wage index:

- the Administrative Office of the Courts must provide to the Board pay scales for the month of July for the classifications of Probation Officers, by county, annually in July.
- the Board determines the weighted average of the change in the top of the pay scale for probation officers and will be weighted by measuring:
  - each county's total number of members,
  - divided by the total number of members of all counties represented in the probation wage index.

#### **§ 38-905.05. Cost-of-living adjustment; members hired on or before June 30, 2018**

Each retired member or survivor of a retired member is eligible to receive a compounding cost-of-living adjustment. The first payment must be made immediately following the first year after the member's retirement and will be made on July 1 each year thereafter.

The base benefit will be based on the average annual percentage change in the Metropolitan Phoenix-Mesa consumer price index published, with the immediately preceding year as the base year for making the determination, not to exceed annually 2% of the retired member's or survivor's base benefit.

The cost-of-living adjustment will be prorated in the first year of a member's retirement. The plan's actuary must include the projected cost of providing the cost-of-living adjustment in the calculation of normal cost and accrued liability.

**§ 38-905.06. Cost-of-living adjustment; members hired on or after July 1, 2018; definition**

A retired member or survivor of a retired member is eligible to receive a cost-of-living adjustment:

- After the seventh anniversary of the retired member's retirement, or
- When the retired member is, or would have been, 60 years old.

These members and survivors will receive annually a cost-of-living adjustment in the base benefit based on the average annual percentage change in the Metropolitan Phoenix-Mesa consumer price index, which is published by the US Department of Labor, with the immediately preceding year as the base year for making the determination, not to exceed annually:

- 2% of the base benefit if the funded ratio is 90% or more, as reported in the most recent actuarial valuation.
- 1.5% of the base benefit if the funded ratio is 80% or more but less than 90%, as reported in the most recent actuarial valuation.
- 1% of the base benefit if the funded ratio is 70% or more but less than 80%, as reported in the most recent actuarial valuation.

*Funded ratio* means the ratio of the market value of assets to the actual accrued liabilities.

**§ 38-914. Employer disclosure; funding ratio**

An employer must disclose the employer's funding ratio under CORP on the employer's public website.

**Chapter 165/HB2216: prohibited firearm tracking; classification (Rep. Boyer)**

It is a Class 6 Felony to require a person to use or be subject to electronic firearm tracking technology or disclose any identifiable information about either the person or the person's firearm for use with electronic firearm tracking technology. Excludes a probation, parole or surveillance officer who supervises a person who is serving a term of probation,

community supervision or parole; as well as other enumerated persons. Defines *criminal justice employee* and *electronic firearm tracking technology*.

Section added: § 13-3122

### **Chapter 167/HB2238 child sex trafficking; violations (Rep. Farnsworth)**

Transfers the provisions of sex trafficking related to minor victims into the current child prostitution statute which is renamed “child sex trafficking.” A person commits child sex trafficking by knowingly enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage or knowledge that the minor will engage in prostitution or any sexually explicit performance. A sentence imposed on a person for either must be consecutive to any other sentence imposed on the person at any time and court must order restitution. A person convicted of child sex trafficking is eligible for lifetime probation. Requires sex offender registration and notification for persons convicted of child prostitution committed prior to August 9, 2017 and child sex trafficking committed on or after August 9, 2017.

Defines *sexually explicit performance*.

Sections amended: § 8-201, 13-701, 13-705, 13-706, 13-902, 13-1307, 13-1308, 13-1309, 13-2301, 13-3212, 13-3620, 13-3821, 13-3827, 41-114, 41-1758.03 and 41-1758.07.

### **Chapter 170/HB2435 name change; juvenile court (Rep. Clodfelter)**

Allows the juvenile court to change the first and last name of a child who is the subject of an adoption to the name requested by the adoptive parents. Authorizes the juvenile court to change the name of a child who was the subject of an action to terminate parental rights. Mandates the court consider the wishes of the child with respect to a name change if the child is twelve years or older.

Sections amended: § 8-116 and 8-202

### **Chapter 175/SB1406: public accommodation; exemptions; enforcement; sanctions (Sen. Fann)**

In pertinent part, only an aggrieved person who is subjected to discrimination under the Arizona ADA may file a civil action for relief. Before filing a civil action alleging a building, facility or parking lot violation by a private entity, the aggrieved person or the person’s attorney must provide written notice with sufficient detail to allow the entity to identify and cure the violation or comply with the law. If the private entity does not cure the violation or comply with the law, then the aggrieved person is allowed to file the civil action. If a building permit or similar form of government approval is required to make the changes necessary to comply or cure the violation, the private entity must provide the aggrieved person or the attorney a corrective action plan and submit an application for a building permit within 30 days.

Prohibits the filing of a civil action for 60 days after the entity provides the corrective action plan to the aggrieved person or the person's attorney if government approval is required to comply or cure the violation. Allows an additional 60 days for a private entity to resolve a violation and the time is tolled from the time after submitting an application until a final determination is provided and is not included in the calculation unless the delay is caused by the private entity. During the additional 50 days, the private entity must comply with requirements of the Arizona ADA related to new construction and alterations.

Requires an aggrieved person filing a civil action to submit an affidavit, under penalty of perjury, stating that the person has read the entire complaint, agrees with all of the allegations and facts and has not been promised anything of value in exchange for filing a civil action, unless authorized by statute or rule. Additionally, an aggrieved person or the attorney may not demand or collect money from the private entity before the completion of the notice period, but allows the aggrieved person or their attorney to state the private entity may be civilly liable for a violation.

Allows the court to stay an action filed pursuant to the Arizona ADA to determine if the aggrieved person or their attorney is a vexatious litigant or to determine whether there are multiple civil actions involving the same plaintiff that should be consolidated.

Certain relief options are only available in cases brought by the Attorney General (AG). Allows a court to impose additional sanctions on a plaintiff or the plaintiff's attorney if the court determines the primary purpose for bringing the action was to obtain payment from the defendant and may consider the totality of the abusive litigation practices. If the court imposes a sanction, the court may order part of the sanctions to be paid to the Governor's Office of Youth, Faith and Family (GOYFF). GOYFF is required to use any sanctions received to educate about compliance obligations and award attorney fees to claimants who file a meritorious complaint with the AG and resolve the complaint without litigation.

Contains a legislative findings clause and a severability clause.

Defines *sufficient detail*.

Sections amended: § 41-1492.07, 41-1492.08 and 41-1492.09

### **Chapter 183/HB2192 child support; driver license restriction (Rep Cobb)**

In lieu of suspension for willful non-payment of support, the court may order a restriction of an obligor's driving privileges that only allows for travel between home and work, school, educational and treatment facilities, health care practitioners and designated parenting locations. Assigns the obligor the burden of showing that the failure to pay child support was not willful. The obligor must be employed at least 30 hours per week; be employed or attend school at least one mile from the obligor's residence; show that the employment or educational endeavor can reasonably be expected to bring the obligor into compliance with the support order in a timely manner; and be entered into a payment plan with DES to pay the child support arrearage. Allows the obligor's license to

be suspended if the court finds the obligor is not in compliance with the license restriction agreement.

Sections amended: § 25-517, 25-518, 28-3001, 28-3153 and 28-3159

**Chapter 187/SB1342: search warrants; tracking; simulator devices (Sen. Worsley)**

Requires probable cause supported by an affidavit or oath, naming or describing the person or describing the property to be tracked for the issuance of a tracking device search warrant and a cell site simulator device search warrant. Enumerates the grounds required for the search warrant to be obtained.

The warrant may authorize the use of the tracking device any time of the day or night and must specify a reasonable length of time that the tracking device may be used, not to exceed 60 days after the date that the tracking device was installed. Allows the court to grant one or more extensions of a tracking device search warrant if an affidavit in support of the extension is made and the court makes the needed findings. The extension may not be longer than what the magistrate deems necessary to achieve the purposes for which the extension was granted and cannot exceed 60 days. Requires the warrant to be initiated within ten calendar days of issuance or, if applicable, be delivered to the communication service provider within ten calendar days after issuance. The warrant becomes void on the 11th day unless the time is extended by a magistrate. The extension cannot exceed ten calendar days.

Requires the search warrant to be returned to a magistrate within three court business days after the authorized period of the search warrant expires. The return must state the time and date the tracking was initiated and the period during which the tracking occurred or it must state the time and date the cell site simulator device was used. Requires a copy of the warrant to be served within 90 days after the tracking device's or cell site simulator device's use ends. Allows the court to delay the notice of tracking.

If the tracking data is received in this state, the use of the tracking device is authorized regardless of where the tracking device is located. If the device requires installation, the warrant authorizes installation, maintenance and removal of the device.

Prohibits the use of a cell site simulator device to intercept, obtain or access the content of stored oral, wire or electronic communication device unless authorized by law.

The court may delay the notice of cell site simulator device. If the cell site simulator device is used to locate or track a known communications device, all non-target data must be destroyed within 60 court business days after the return of the search warrant to a magistrate. If the cell site simulator device is used to identify an unknown communications device, all non-target data must be destroyed within 60 court business days after the return of the warrant to a magistrate, unless a court orders the non-target data to be preserved.

Defines *cell site simulator device*, *cell site simulator device search warrant*, *communications device*, *non-target data*, *tracking device* and *tracking device search warrant*.

Section amended: § 13-3919

### **Chapter 189/SB1412: surface water; adjudication sequence (Sen. Griffin)**

The determination of water rights of all small water use claims in any specific subwatershed shall be deferred until all other claims in that subwatershed are determined by the superior court in the course of the adjudication. Requires determination of a claimant's small water use claim in conjunction with a claimant's other claims in the same subwatershed. The superior court or the water master is not precluded from approving settlements of small water use claims at any time during the course of the adjudication.

Repeals the summary adjudication of de minimis water uses law.

Defines *small water use claim*.

Sections amended: § 45-182, 45-251, 45-254, 45-256, 45-257 and 45-261

Section repealed: § 45-258

### **Chapter 197/HB2254 judicial productivity credits; salary calculation (Rep. Farnsworth)**

Modifies the current Judicial Productivity Credit (JPC) formula by changing the weight given to specific types of filings. The new formula is the sum of the following filings, including juvenile filings in each Justice of the Peace (JP) court as enumerated in statute.

Requires the Arizona Supreme Court to annually compute the number of JPCs using the formula above. The court must report the JPC number to the county board of supervisors within 120 days of the end of the 12-month period and adjustments to salary are effective on the following January 1st. If the board divides a justice court precinct into two or more precincts, it must set the salary for each justice of the peace at the level of the highest salary of any JP who is affected by the division. Justice of the peace salaries would be adjusted at the end of the first full calendar year after the division. Does not alter the current justice of the peace salary categories.

Requires the board of supervisors to review and adjust the annual salary of each JP every year, beginning January 1, 2019 based upon the number of JPCs. Prohibits the salary of a JP from being reduced during the JP's term of office. If the JP serves consecutive terms in office, the salary cannot be reduced at the start of the consecutive term by more than one tier under the salary formula, excluding adjustments made in the JP's salary due to the precinct being divided.

Defines *civil filing*, *civil traffic count*, *felony*, *misdemeanor* and *protective order*.

**Chapter 209/SB1080: teenage drivers; communication devices prohibited (Sen. Fann)**

Prohibits instructional permit holders from driving a motor vehicle while using a wireless communication device for any reason except during an emergency where stopping the vehicle is impossible or will create an additional emergency or safety hazard. A peace officer is not allowed to stop or issue a citation for this civil offense unless the officer has reasonable cause to believe there is another alleged violation of a motor vehicle law.

Prohibits Class G licensees during the first six months or until the licensee's 18<sup>th</sup> birthday from operating a motor vehicle while using a wireless communication device. Allows the use of a wireless communication device during an emergency where stopping the vehicle is impossible or will create an additional emergency or safety hazard. Permits use when using an audible turn-by-turn navigation system if the destination is not manually entered into the wireless communication device and the licensee does not manually adjust the wireless device while the licensee is driving the vehicle.

Delayed effective date: July 1, 2018.

Sections amended: § 28-3154 and 28-3174

**Chapter 223/HB2026: secretary of state; omnibus (Rep. Coleman)**

In pertinent part, removes the Class 1 Misdemeanor designation for various actions by athlete agents that are currently prohibited conduct and eliminates the requirement that athlete agents be registered with the SOS.

Establishes the Arizona Uniform Laws Commission consisting of four members of the state bar appointed by the governor in addition to lifetime members of the national commission. Members serve for six years and allows a vacancy to be filled for the remainder of the unexpired term. Requires the commission to review national efforts to enact uniform laws and make recommendations to the Governor and Legislature on legislation. Allows the SOS to maintain membership in the Arizona Uniform Laws Commission.

Sections amended: 9-283, 9-956, 15-1761, 15-1762, 15-1770, 15-1774, 32-128, 37-1303, 41-121, 41-1011, 41-1013, 44-1443, 44-1460, 44-1460.06, 49-112

Sections repealed: 15-1763, 15-1764, 15-1765, 15-1766, 15-1767, 15-1768, 15-1769, 15-1776, 33-1309, 44-1749 and 44-1750

Section enacted: 41-151.25

**Chapter 224/HB2145 household goods; unlawful moving practices (Rep. Weninger)**

Prohibits a moving company that provides in-state moving services from refusing to deliver or unload a person's household goods, threatening or placing a carrier's lien on the goods. Requires a moving company to accurately disclose all fees, rates and charges, including the scope of the insurance coverage for lost or damaged goods. A violation constitutes a consumer fraud act and is subject to investigation and action by the attorney general. Violators are subject to civil or criminal action and any other penalty provided by law. Entitles a moving company to pursue collection of any unpaid amount after properly delivering and unloading the consumer's household goods at the moving destination.

Sections enacted: §44-1611, 44-1612, 44-1613, 44-1614, 44-1615, and 44-1616

**Chapter 229/HB2269: victims' rights' requirements; monetary judgements (Rep. Syms)**

Allows any information provided to a victim by law enforcement agencies be provided through either electronic forms, pamphlets, information cards or other materials instead of on a multi-copy form.

Permits redaction of a victim's name if the victim is a minor the countervailing interests of confidentiality, privacy, the rights of the minor or the best interests of the state outweigh the public interest in disclosure. Permits a minor victim's representative to consent to the release of any of the minor's un-redacted records.

Prohibits a person who is or was previously incarcerated in the department of corrections from receiving a monetary judgment in any civil action against the state, a political subdivision of the state, or any prison, jail or correctional facility unless all restitution and incarceration costs owed by the person are paid. If the costs are not paid, a monetary judgment must first be used to pay any outstanding costs. If the victim was ordered by the court to receive restitution through the clerk of the superior court, then the state, political subdivision of the state, or prison, jail or correctional facility that was ordered to satisfy the monetary judgment must transfer (1) the required amount to the clerk of the superior court for distribution to the victim; and (2) specific information including a copy of the monetary judgment, the defendant's name and case number, and the name and address of the transferring entity.

The trial court retains jurisdiction for all restitution orders in favor of a victim. The trial court is responsible for ordering, modifying, and enforcing the manner in which payments are made until paid in full. The court has jurisdiction to preserve rights over all restitution liens entered and perfected upon receipt of a petition and issuance of an order for the defendant to show cause why the defendant's monetary default should not be treated as contempt. Such rights are in addition to any other remedy provided at law.

Permits prosecutors or victims to file a request with the court for a pre-conviction restitution lien after the filing of a misdemeanor complaint or felony information or

indictment in a criminal proceedings. Requires the court to order the release of any pre-conviction restitution lien that has been filed or perfected if the defendant is acquitted or the state does not proceed with prosecution. Requires the prosecutor's office to give the victim notice of the right to request a pre-conviction restitution lien within seven days after the prosecutor charges a criminal offense.

Expands the requirement for victim notification in cases where the defendant is sentenced to the department of corrections.

Obligates the county treasurer to transfer any unclaimed victim restitution payment monies in the suspension account to the state treasurer for deposit in the victim compensation and assistance fund.

Sections amended: § 8-386, 8-386.01, 8-387, 8-407, 8-413, 8-415, 13-805, 13-806, 13-810, 13-4402, 13-4405, 13-4407, 13-4408, 13-4415, 13-4428, 22-116 and 41-2407

Section enacted: §12-1721

### **Chapter 230/HB2290 provisional licenses; criminal convictions (Rep. Rivero)**

Authorizes a licensing authority to issue to a regular or provisional license to an otherwise qualified applicant who has been convicted of certain criminal offenses. A provisional license is valid up to a year.

Permits the licensing authority to revoke a provisional license if the provisional licensee is charged with a new felony, commits an act or omission that causes the provisional licensee's community supervision, probation or parole to be revoked, or violates law or rules governing the practice of the occupation for which the provisional license is issued. If a provisional license is revoked the licensee is not entitled to receive another provisional license or the regular license for which the applicant originally applied, even if otherwise qualified. Whether to issue the license is in the decision of the licensing authority.

Requires an applicant on community supervision, probation or parole who is issued a provisional license to provide to the licensing authority the name and contact information of the community supervision, probation or parole officer to whom the applicant reports. Mandates the licensing authority notify the officer that a provisional license has been issued. If the applicant has been ordered by a court to pay restitution, the licensing authority must notify the prosecutor that a license has been issued to the applicant.

Sets forth conditions for the license and responsibilities of the licensee and those excluded from obtaining the license. A licensing authority is not precluded from exercising existing discretion to issue a license to individuals not covered by the provisional license provisions or to deny or restrict a license for any other reason permitted by law. Prohibits a person who is incarcerated from applying for a provisional license until after the person's release.

Defines *licensing authority* as any agency, department, board or commission that issues a license pursuant to Title 32, except Title 32, Chapter 40 (Court Reporters), for the purposes of operating a business in this state to an individual who provides a service to any person.

#### **Chapter 234/HB2493 drug overdose; review team; confidentiality (Rep Carter)**

In pertinent part, establishes a 21-member drug overdose review team within Arizona Department of Health Services (ADHS) consisting of nine heads of various government entities or their designees and 12 members appointed by the Director of ADHS. Outlines team members.

Allows the Director of ADHS to petition the superior court for a subpoena in order to compel the release of books, records, documents and other evidence about a person who has overdosed on drugs unless the subpoenaed information relates to a pending criminal investigation or prosecution. Requires records to be returned to the agency or organization upon completion of a review and prohibits the team from keeping written reports or records that contain identifying information. Provides that team records are confidential and not subject to subpoena, discovery or introduction into evidence in any court proceeding, with the exception of information that is available from other sources. Outlines confidentiality requirements for the team and classifies a violation of those requirements as a Class 2 Misdemeanor.

Permits a pharmacist to dispense naloxone or any other FDA approved opioid antagonist by way of a standing order, rather than without a prescription. Defines *standing order*.

Sections amended: § 32-1968, 32-1979 and 36-2266

Sections enacted: 36-198, 36-198.01

#### **Chapter 236/SB1071: DOC; graduated intervention policy; report (Sen. Burges)**

Requires the corrections director to develop, implement and maintain a graduated intervention policy for offenders who violate a condition of community supervision. The policy must include guidelines for using graduated interventions on an offender who commits a technical violation of a condition of community supervision.

Section enacted: § 41-1604.14

#### **Chapter 239/SB1137: vendor; payment by warrant; fee (Sen. Kavanagh)**

Allows ADOA to establish by rule a fee for each warrant issued to a vendor that provides materials, services or construction. The fee must be deposited in the state general fund.

Section amended: § 35-185

## **Chapter 247/HB2096 natural resources projects; court actions (Rep. Thorpe)**

A person who files an action in a court of record in Arizona to enjoin a natural resources project and does not prevail may be assessed court costs and damages incurred as a result of the injunction as determined by the court. Mandates monetary damages awarded by the court be deposited in an account established and managed by the Arizona State Land Department for the purpose of paying for the costs incurred as a result of the injunction. Defines *natural resource project*.

Section Enacted: § 37-108

## **Chapter 248/HB2139 administrative order; enforcement; child support (Rep. Norgaard)**

Allows an insurer to provide information to Arizona Department of Economic Security (ADES) before a payment is made to a claimant to determine if there is overdue child support owed. The use of the information collected by ADES to locate a person is limited to establish paternity and establish, modify and enforce child support obligations. The information collected by ADES may be disclosed to an agent who contracts with ADES, agencies of the state, political subdivision of the state and other states, federal agencies, and other states in order to locate persons to enforce child support orders pursuant to federal law. If the information match is made in the case of back-owed child support, ADES must send the insurer an income withholding order or a child support limited income withholding order and the insurer must withhold an amount of back child support owed that is not exempt pursuant to federal law. Withheld payments must be paid to the support clearinghouse and any portion of withheld wages that replaces or provides income in lieu of wages is subject to statutory limitations.

If an insurer makes a payment arising from a child support limited income withholding order, they are not liable to a claimant or a claimant's beneficiary or creditors. A child support limited income withholding encumbers any insurance payments owed to a claimant. Requires an insurer to pay a claimant only the amount remaining after a limited income withholding order has been satisfied. A child support limited income withholding order does not take preference over any claim or lien for documented expenses and services of a claim, including but not limited to attorney's fees, court costs, witness fees and reasonable litigation expenses, or healthcare expenses.

Grants immunity for an insurer using the data match reporting system who provides information to ADES and delays payment of a claim to comply with statute. An insurer that makes a child support lien payment is immune from civil liability and a payment does not give rise to claim or cause action against an insurer.

Allows an insurer to match and report and report any claim seeking an economic benefit if a first party claimant resides in this state, a third party claimant resides in this state, or a liability insurer or an eligible surplus lines insurer is providing coverage to an insured on a third party claim and the claim occurred in this state. Mandates ADES to post information on the internet of at least ten nonpayers of child support who owe more

than 12 months child support instead of ten nonpayers who are the subject of an arrest warrant for non-payment. Contains a legislative intent clause.

Section amended: § 25-526

Section enacted: § 25-505.02

**Chapter 252/HB2319: security guard training instructors; certification (Rep. Lawrence)**

In pertinent part, creates a Class 1 Misdemeanor for acting or attempting to act as a security guard training instructor or firearms safety instructor unless registered as an instructor and acting within the scope of employment.

Sections amended: 32-2405, 32-2601, 32-2607, 32-2608, 32-2613, 32-2623, 32-2624, 32-2632, 32-2641, and 32-2642

Sections enacted: 32-2625

**Chapter 264/SB1370: elections; unlawful voting; residence (Sen. Griffin)**

Expands the unlawful voting penalty, Class 5 Felony, to include knowingly voting in two or more jurisdictions in Arizona for which residency is required and voting in two state elections held on the same day for federal offices.

Contains a legislative intent clause.

Section amended: § 16-1016

**Chapter 270/SB1201: medical examiner; communicable diseases; disclosure (Sen. Griffin)**

Allows a good samaritan to petition the court for an order authorizing testing of a deceased person for the human immunodeficiency virus, common blood borne diseases or other diseases specified in the petition, if there are reasonable grounds to believe an exposure occurred and if there is probable cause to believe that the deceased person transferred blood or other bodily fluids on or through the skin or membranes of the good samaritan.

Requires the court to hear the petition promptly. If the court finds probable cause exists that a possible transfer of blood or other bodily fluids occurred between the deceased person and the good samaritan, the court must order that the county medical examiner or alternate medical examiner draw two specimens of blood, if available, for testing and make samples available for testing by a private health care provider or private health facility specified in the court order at the good samaritan's expense.

Requires the county medical examiner or alternate medical examiner to provide a blood sample from a deceased person for the purpose of communicable disease testing if the blood is available and the collection or release will not interfere with a medical examination, autopsy or certification of death.

Authorizes a medical examiner, upon written notice from the Department of Health Services (DHS), to draw two specimens of blood during the autopsy or other examination of the deceased for infectious disease testing. The medical examiner must release the specimen only after the court issues an order. If the court does not issue an order within 30 days after the medical examiner collects the specimen, then the medical examiner must destroy the specimen. The notice of the test results shall be provided as prescribed by DHS to the good samaritan. Exempts the good samaritan's petition from the requirements for the order for disclosure of communicable disease related information.

Section amended: § 11-594

Section enacted: § 36-670

### **Chapter 282/SB1003 DCS oversight committee (Sen Barto)**

In pertinent part, requires the superior court, rather than the juvenile court, to issue orders for temporary custody of a child. A legal guardian or parent is not prohibited from recording conversations with DCS that are in accordance with statute, excluding judicial proceedings. Specifies that a child may only be removed if the superior court issues an order for temporary custody, specified circumstances exist, or the child's parent or guardian gives consent. Permits the superior court to issue an order authorizing DCS to take temporary custody of a child upon filing of a sworn statement or testimony by a peace officer, child welfare investigator or a child safety worker. Requires the court to determine that it is contrary to the child's welfare to remain in the home before authorizing temporary custody. Specifies that if a child is taken into temporary custody due to an imminent risk of becoming a victim of abuse or neglect, probable cause must exist that abuse or neglect will occur in the time it would take to obtain a court order. Contains an effective date of July 1, 2018.

Requires DCS, by January 1, 2018, to consult with the Administrative Office of the Courts to develop procedures and systems to implement the process of obtaining a court order before removing a child from their home. DCS must submit a report to JLBC and the Joint Oversight Committee on DCS that includes an overview of how DCS will implement the process of obtaining a court order before removing a child and outlines staffing and technological needs to implement the warrant removal process. Contains a delayed effective date of July 1, 2018.

Sections amended: § 8-456, 8-501, 8-821, and 8-823

Section Enacted: § 41-1292

### **Chapter 286/SB1278: felony pretrial intervention programs; appropriation (Sen. Smith)**

Session law appropriating \$2,750,000 from the state general fund in FY18 to the Arizona Criminal Justice Commission (ACJC) to proportionately distribute to county

attorneys in counties with populations less than 3,000,000 persons to administer felony pretrial programs.

Monies received may be used for intervention programs for non-dangerous, non-repetitive offenders administered by the respective county attorney offices. The programs provide substance abuse treatment including medically assisted treatment with mandatory drug testing when appropriate, cognitive behavioral therapy and case management services. County attorneys are granted the authority to place persons who have co-occurring disorders in a felony pretrial intervention program. County attorneys are directed to require each program treatment provider to provide a report on each offender's attendance record.

**Chapter 301/HB2494: limited liability; removing minor or confined animal from motor vehicle; definition (Rep. Carter)**

A person who uses reasonable force to enter a locked and unattended motor vehicle to remove a minor or domestic animal (animal kept as a household pet) is not civilly liable if enumerated factors exist.

A person is not exempt from civil liability if the person fails to abide by any of the listed requirements and commits any unnecessary or malicious damage to the motor vehicle.

**Chapter 303/HB2540: criminal justice; budget reconciliation; 2017-2018 (Rep. Mesnard)**

In pertinent part, the distribution of civil filing fees is adjusted by increasing the share deposited into the Judicial Collections Enhancement Fund (JCEF) as follows: from 17.07% to 18.74% for the superior courts; from 14.02% to 15.74% for JP courts in counties with more than 500,000 persons; and from 15.58% to 17.27% for JP courts in counties with less than 500,000 persons.

Appropriates \$750,000 from JCEF to the Administrative Office of the Courts in fiscal year 2018 to provide assistance, training and grants to courts to meet minimum standards of courthouse security adopted by the Arizona Supreme Court.

Sections amended: § 12-116.01, 12-284.03, 22-281, 28-3396, 41-191.08, 41-1723, 41-1724, 41-1758.06, 41-2401, 41-2407 and 41-3451

Section enacted: § 41-1730

Sections repealed: § 41-1772, 41-2414, 41-2415 and 41-2419

**Chapter 322/HB2249: vehicle registration; nonresidents; penalty (Rep. Boyer)**

A nonresident or person who is operating a foreign vehicle owned by a nonresident on an Arizona highway without proper license plates and vehicle registration for the

current year is responsible for a civil traffic violation, current law makes the offense a Class 2 Misdemeanor.

Section amended: §28-2322

**Chapter 327/HB2515: governor appointees; criminal records checks (Rep. Farnsworth)**

In pertinent part; requires applicants for the superior court to submit a full set of fingerprints to the governor before appointment or hire for the purposes of state and federal criminal record checks. Exempted are applicants who have submitted a set of fingerprints to the Arizona Supreme Court, the Commission on Appellate Court Appointments or the Commission on Trial Court Appointments as part of the application process.

Sections amended: §23-422, 26-1026, 26-1067, 32-802, 32-901, 32-1203, 32-1502, 32-1602, 32-1672, 32-1702, 32-1801, 32-2502, 32-2902, 32-3252, 32-3402, 32-3502, 32-3902, 38-211, 38-848, 41-101, 41-1502, 41-1750, 41-1821 AND 41-5353

Section enacted: § 22-3152

**Chapter 329/SB1072: administrative decisions; scope of review (Sen. Petersen)**

Requires the court to award fees and other expenses in a successful civil action challenging a rule, decision, guideline, enforcement policy or procedure of a state agency or commission that is exempt from the rulemaking requirements of Title 41, Chapter 6 (Administrative Procedures Act) on the grounds that the agency decision is not authorized by statute or it violated the United States Constitution or the Arizona Constitution. The court must affirm, reverse, modify or vacate and remand an agency action if the court determines the action is contrary to law, is not supported by substantial evidence is arbitrary and capricious or is an abuse of discretion.

Sections amended: § 12-348 and 12-910

**Chapter 338/SB1360: permanent guardianship; dependency proceedings; reunification (Sen. Brophy McGee)**

Expands the permanent guardianship authority of the court to include appointment for a child who has not been adjudicated dependent but is the subject of a *pending* dependency petition filed by the Department of Child Safety (DCS). Permits any party to the pending dependency proceeding to file the motion for permanent guardianship and all parties must consent. If the child has not been adjudicated dependent and any party objects to a motion for permanent guardianship, the court may schedule a mediation or settlement conference or the judicial officer may strike the motion for guardianship and proceed with the dependency petition.

Allows the court to waive the requirement that DCS must have made reasonable reunification efforts before establishing a permanent guardianship if the child is the subject of a pending dependency and there has been no adjudication of dependency. The

court is allowed, instead of required, to appoint a person nominated by the child for permanent guardian if the child is at least 12 years of age. The court is required to give primary consideration to the child's safety in proceedings for permanent guardianship. The court is allowed to waive for good cause the requirement for an investigation and report before a final permanent guardianship hearing.

Allows the court to order the child's attorney or guardian ad litem to file a report for the review hearing if the child was not in the legal custody of DCS. Allows, instead of requires, the court to order a report within a year following the entry of the final order. The requirement for a review to be held within a year is maintained.

Requires a prospective guardian to furnish either a valid fingerprint clearance card; or a full set of fingerprints. If the person does not submit a valid fingerprint clearance card, the prospective guardian is required to submit a full set of fingerprints to the court.

Permits a guardian to file a revocation petition. The court is allowed to revoke the guardianship order of a child who has been the subject of a dependency petition but who has not been adjudicated dependent and order the child returned to the child's parent if all of the following are true: the child, parent, party to the dependency petition or guardian petitions the court for revocation; the court finds by clear and convincing evidence that the parent has remedied the grounds alleged in the guardianship petition; and the court finds by clear and convincing evidence that the return of the child would not create a substantial risk of harm to the child's physical, mental or emotional health or safety.

Requires the court to consider all of the following when determining whether the child's return would not create a substantial risk of harm or when determining whether revocation of a permanent guardianship of a child previously adjudicated dependent is in the child's best interest: the child's position on the revocation if they are at least 12 years of age; the duration of the guardianship and the level of contact between the parent and child during that time; and any other relevant factor.

Requires the court to order reunification services for the parent if a dependency petition is filed on the child's permanent guardian if, after receiving notice, the parent: is willing to care for the child, makes a written or oral request to the court to participate in reunification services at the parent's initial appearance, and proves by clear and convincing evidence that there has been a significant change of circumstances that indicates that the parent may be able to care for the child and the reunification services are in the child's best interests. The court is required to set a hearing to determine if the previously mentioned requirements are met provided that the parent is willing to care for the child and requests to participate in reunification services. The court is also required to order DCS provide reunification services to the parent if the court makes the required findings.

If the court has ordered that no reunification services be provided to the child's parent, the child's case plan of guardianship is permitted to remain in place even though no successor guardian has been identified.

Prohibits DCS from notifying a foster home in which a child has previously resided that the child has been removed from the home again if the foster home has substantiated or outstanding allegations, reports or investigations.

Establishes a joint legislative DCS oversight committee and requires it to review DCS's implementation of policy and procedures and program effectiveness; all reports on program outcomes released by DCS to the legislature for trends and areas for statutory improvement and audits issued by the Office of the Auditor general related to DCS; and policies relating to guardianship and dependency proceedings. The committee terminates on July 1, 2025.

Sections amended: § 8-530.01, 8-846, 8-871, 8-872, 8-873 and 8-874

Sections enacted: § 8-873.01 and 41-1292

**SCR1023: corrections officer retirement plan (Sen. Lesko)**

A proposed amendment to the Arizona constitution excluding from the constitutional prohibition on diminishment or impairment of public retirement benefits adjustments to the Corrections Officer Retirement Plan (CORP) as provided in SB1442: modifications; corrections officer retirement plan as enacted by the 53<sup>rd</sup> Legislature, First Regular Session.

Would result in the elimination of the permanent benefit increase, replacing it with a cost of living increase.

Requires the secretary of state to submit the proposition to the voters at the next general election.

Amending Article XXIX, Section 1, Constitution of Arizona

6/2/17