



DIVISION ONE
FILED: 11/21/2017
AMY M. WOOD,
CLERK
BY: JT

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

IN THE MATTER OF:)
)
POLICIES CONCERNING THE TIMELY)
FILING OF TRANSCRIPTS IN)
JUVENILE APPEALS)
)
_____)

ADMINISTRATIVE ORDER
2017-04

Appellants' rights to due process require the Court of Appeals to timely resolve juvenile appeals, and, by rule, the Court is required to give precedence to juvenile appeals. Ariz. R.P. Juv. Ct. 103(C). In many appeals, however, undue delay results when the Court grants multiple requests for additional time for preparation of transcripts.

Pursuant to Rule 104(D), in every juvenile appeal, certified transcripts of specified proceedings in superior court must be prepared and filed with the Court of Appeals. In addition, the appellant and appellee each have an opportunity to request the preparation of transcripts of additional proceedings not automatically included in the record. Ariz. R.P. Juv. Ct. 104(E) & (F).

When a governmental entity files a notice of appeal or when the appellant was represented by appointed counsel in the superior court at the time of the final order, the court reporter or authorized transcriber must "promptly" prepare the transcript upon receiving the notice of appeal. Ariz. R.P. Juv. Ct. 104(H).

Within five days after the filing of a notice of appeal or five days after the denial of a request to proceed with appointed counsel, a non-indigent appellant must arrange

with the court reporter or authorized transcriber to pay for the transcript. Ariz. R.P. Juv. Ct. 104(I). If the appellant fails to timely make satisfactory arrangements, the court reporter or authorized transcriber shall immediately notify the appellate court in writing. Ariz. R.P. Juv. Ct. 104(I). When satisfactory payment arrangements are made, the court reporter or authorized transcriber must “promptly” prepare the transcript. Ariz. R.P. Juv. Ct. 104(I), 105(B)(3).

The court reporter or authorized transcriber must file the completed certified transcript with the Court of Appeals no later than: 30 days after the filing of a notice of appeal by a governmental agency or by an appellant who was represented by appointed counsel in the superior court at the time the final order was filed; 30 days after service of a superior court order appointing counsel to represent the appellant on appeal; or 30 days after the appellant makes satisfactory arrangements to pay for the transcript, whichever event occurs first. Ariz. R.P. Juv. Ct. 105(B).

If a court reporter or authorized transcriber has failed to timely file a transcript, the Court of Appeals may exercise its discretion to issue appropriate orders or sanctions. Ariz. R.P. Juv. Ct. 105(C). The Court’s practice has been to allow two extensions to court reporters or authorized transcribers who request additional time to file transcripts in juvenile appeals and occasional additional extensions, which has created undue delay in the processing of juvenile appeals and imposed unnecessary administrative burdens on the Court.

Upon consideration, in the interests of promoting due process and the interests of all parties in the timely resolution of juvenile appeals, and consistent with the standards

set forth in Administrative Order 2015-01 (“POLICIES CONCERNING THE TIMELY DESIGNATION AND FILING OF TRANSCRIPTS IN CRIMINAL APPEALS”),

IT IS ORDERED that the Court adopts the following policy regarding extensions for filing transcripts in juvenile appeals:

1. Upon request, the Court will grant a court reporter or authorized transcriber an initial extension of 30 days for the filing of a transcript, without any showing of cause, as long as the court reporter files a request at least one day prior to the date the transcript is due.

2. The Court will grant a request for any subsequent extension only upon a showing of actual and substantial good cause. Mere references to “other work” or “pre-planned vacation” normally will not constitute actual and substantial good cause sufficient to warrant a subsequent extension of time. Instead, a court reporter or authorized transcriber must provide a detailed explanation why the extension is necessary.

3. In determining whether such a subsequent extension will be granted, the Court will consider, among other factors, whether a court reporter’s or authorized transcriber’s inability to timely complete the transcript is the result of circumstances that could not have been anticipated; whether the court reporter or authorized transcriber has timely requested “desk time,” leave from work, or other accommodations from a supervisor and/or judge to facilitate preparation of the transcript; whether the court reporter or authorized transcriber is utilizing available resources to complete the transcript; whether the trial proceedings were unusually lengthy; and the court reporter’s

**State of Arizona
Juvenile Appellate Process
Arizona Court of Appeals, Division One, Workgroup Worksheet
Final Report**

Issue 1:

Current Measure We Are Trying To Influence: Deadline extensions: Opening Brief due 20 days from notice of completion of record; Answering Brief due 20 days after service of OB; Reply Brief due 10 days after service of AB. Ariz. R.P. Juv. Ct. 106(B).

Issue 1: Extensions for Brief¹			
#	Action Step	By Date:	Accountability (Who/What)
1	Find out percentage and number of cases with extension requests and average extension granted in those cases. <i>See</i> attached Court of Appeals, Division One, Juvenile Extensions of Time explanation and Tables 1 and 2.	May 10, 2017	Done - Amy Wood (see below)
2	Reduce time taken, given extensions, to fully brief juvenile appeals.	November 21, 2017 (issuance) and January 1, 2018 (effective date; applicable to appeals filed on or after that date)	Division One is issuing Administrative Orders regarding extension requests for filing briefs (and transcripts) in juvenile appeals akin to those in criminal appeals in A.O. 2014-05 and A.O. 2015-01. Drafts of A.O. 2017-04 and A.O. 2017-05 are attached. It is anticipated they will issue November 21, 2017 and will apply to appeals filed on or after January 1, 2018.

Reasonable expectation for improvement: Reduce the time necessary for briefing of (and obtaining transcripts for) juvenile appeals.

¹ There had been discussion of a rule change petition seeking to extend the presumptive briefing schedule but then limiting extensions. By custom, if adopted, such a rule change would become effective no earlier than January 1, 2019. Given data in Tables 1 and 2, it is unclear whether such a change would reduce the time to complete briefing. Accordingly, Division One is issuing Administrative Orders regarding extension requests for briefing and transcripts in juvenile appeals. This leaves in place the current presumptive briefing schedule set forth by rule, adopts an approach akin to what Division One has had in place for several years for criminal appeals and allows the changes to become effective January 1, 2018.

**State of Arizona
 Juvenile Appellate Process
 Arizona Court of Appeals, Division One, Workgroup Worksheet
 Final Report**

Table 1: Extensions for Filing Opening Briefs

Extensions for Filing Opening Brief in Resolved Cases							
	FY15				FY16		
Number of Extensions	Number of Cases	Average Days from Notice of Completion to Opening Brief	Percentage of Cases		Number of Cases	Average Days from Notice of Completion to Opening Brief	Percentage of Cases
None	79	13.59	57.25%		92	18.29	52.87%
One	42	39.52	30.43%		61	36.93	35.06%
Two	14	54.79	10.14%		15	58.4	8.62%
Three	1	85	0.72%		4	87	2.30%
Four	2	125	1.45%		2	102	1.15%
	138				174		

Table 2: Extensions for Filing Answering Briefs

Extensions for Filing Answering Brief in Resolved Cases							
	FY15				FY16		
Number of Extensions	Number of Cases	Average Days from Opening Brief to Answering Brief	Percentage of Cases		Number of Cases	Average Days from Opening Brief to Answering Brief	Percentage of Cases
None	89	25.33	66.92%		57	26.39	34.54%
One	38	43.89	28.57%		88	43.16	53.33%
Two	5	55.4	3.76%		18	54.44	10.91%
Three	1	100	0.75%		2	68.5	1.21%
	133				165		

**State of Arizona
 Juvenile Appellate Process
 Arizona Court of Appeals, Division One, Workgroup Worksheet
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Issue 2:

Current Measure We Are Trying To Influence: Improve qualitative nature of the record and clarity of contents in the record, as a matter of course, to avoid stays and/or remands to ensure that the record on appeal is complete.

Issue 2: Designation of the Record²			
#	Action Step	By Date:	Accountability (Who/What)
	Bench and Attorney Education to ensure: (1) all exhibits are returned to the Clerk of Court by the Judicial Officer after the ruling is issued; (2) that all materials considered in making the ruling are clearly identified in the record and (3) better understanding of regarding judicial notice and the record, including the limits of judicial notice.	Completed and Ongoing	<p>Completed: Chief Judge Brown and Vice Chief Judge Thumma met with the Maricopa County Superior Court at a May 16, 2017 Juvenile Bench Meeting to discuss.</p> <p>Ongoing: Discuss at upcoming Arizona Committee on Juvenile Courts meeting to address the issue. Note: Next COJC meeting is January 25, 2018.</p> <p>Discuss issue at other venues, including at Bench Meetings, brown bags, annual Judicial Conference, annual State Bar Convention and other venues.</p>

Reasonable expectation for improvement: Reduce uncertainty on appeal as to the basis of the Superior Court’s decision and reduce delay via stays and/or remands to ensure that the record is complete, which could occur in a small number of cases but could result in significant delay in those small number of cases.

² The group also considered the recommendation that the transcript of proceedings in appeals be sent electronically to Division One **and** the relevant Superior Court. The transcript of proceedings typically is sent electronically to Division One. The Group learned that Maricopa County Superior Court (at least) cannot accept transcripts electronically and that there is resistance to receiving paper transcripts, the other option.

**State of Arizona
 Juvenile Appellate Process
 Arizona Court of Appeals, Division One, Workgroup Worksheet
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Issue 3:

Current Measure We Are Trying To Influence: Uncertainty regarding jurisdiction (Superior Court vs. Court of Appeals) when a case disposition is by order under Arizona Rule of Juvenile Court Procedure 106(g).

Issue 3: Delay attributed to uncertainty by Superior Court of jurisdiction			
#	Action Step	By Date:	Accountability (Who/What)
	Court of Appeals, Division One, will issue a mandate that will be in electronic form in all cases, including those when the disposition by order under Arizona Rule of Juvenile Court Procedure 106(g).	May 1, 2017	DONE - solution implemented by Division One.

Reasonable expectation for improvement: Reduce uncertainty by Superior Court in finality of appeal and jurisdiction.

Committee on Juvenile Courts Legislative Update January 2018

53rd Legislature - 2nd Regular Session, 2018

Wednesday, Jan 24 2018 1:07 PM

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Dependent Children

Posted Calendars and Committee Hearings

S1046: FOSTER HOMES; CHILD WELFARE AGENCIES

Hearing: Senate Health and Human Services (Wednesday 01/24/18 at 2:00 PM, Senate Rm. 1)

S1087: DCS REPORTS; STUDY; REPORT

Calendar: 1/24 Senate Consent

S1198: BLIND PERSONS' RIGHTS; ADOPTION; CUSTODY

Hearing: Senate Health and Human Services (Wednesday 01/24/18 at 2:00 PM, Senate Rm. 1)

Bill Summaries

H2127: CHILDREN'S HEALTH INSURANCE PROGRAM

If the Director of the Arizona Health Care Cost Containment System (AHCCCS) determines that the amount of state monies appropriated combined with available federal monies may be insufficient for the Children's Health Insurance Program (CHIP), the Director is required to immediately notify the Governor and the Legislature. After consulting with the Governor, the AHCCCS Administration is required to stop processing new applications for CHIP until verifying that funding is sufficient. If the federal government eliminates funding for CHIP, the AHCCCS Administration is required to immediately stop processing new applications and provide at least 30 days' notice to AHCCCS contractors and members that CHIP will terminate. Previously, the AHCCCS Administration was required to immediately notify the Governor and the Legislature and stop processing new applications for CHIP if the state's federal medical assistance percentage for CHIP was less than 100 percent.

First sponsor: Rep. Cobb

H2127: CHILDREN'S HEALTH INSURANCE PROGRAM 1/18 from House hel do pass.

H2300: CENTRAL REGISTRY; UNSUBSTANTIATED CLAIMS

If the court or administrative law judge does not make a finding of abuse or neglect and the matter is no longer pending, the Department of Child Safety is prohibited from placing a report regarding the allegations or investigation of the allegations of abuse or neglect in the central registry. Applies retroactively to July 1, 2016. If allegations or an investigation have been placed in the central registry contrary to the retroactive application of this legislation, the Dept is required to remove that information.

First sponsor: Rep. Townsend

H2300: CENTRAL REGISTRY; UNSUBSTANTIATED CLAIMS 1/17 referred to House jud-pub safety.

H2343: SCHOOLS; CHILD ABUSE HOTLINE

School district schools and charter schools are required to post in a public area of the school that is readily accessible to students a sign that is at least 11 inches by 17 inches, that is placed at students' eye level, and that contains a list of information related to child abuse, child neglect and the exploitation of children in English and in Spanish, including the telephone number of the centralized intake hotline concerning suspected abuse and neglect of children.

First sponsor: Rep. John

H2343: SCHOOLS; CHILD ABUSE HOTLINE 1/17 referred to House educ.

H2376: KINSHIP FOSTER CARE; PROVISIONAL LICENSE

If a kinship foster care home is acceptable to the Department of Child Safety for placement and a child is placed in the home, the Dept is required to issue a provisional foster home license to the kinship foster care parent for a period of six months, during which the kinship foster care parent is eligible to receive full foster care benefits, including the foster care maintenance payment. The kinship foster care parent is required to complete foster parent licensing training and other foster home licensing requirements during the 6-month period. The Dept is authorized to extend a provisional license if specified conditions are met. By October 1, 2018, the Dept is required to determine if any unlicensed kinship foster care parent agrees to apply for a foster home license by June 30, 2019, and issue a provisional license to those parents.

First sponsor: Rep. Clodfelter

H2376: KINSHIP FOSTER CARE; PROVISIONAL LICENSE 1/17 referred to House hel.

H2415: JUVENILE DEPENDENCY PROCEEDINGS FUND

Establishes the State Aid for Juvenile Dependency Proceedings Fund, to be administered by the Arizona Criminal Justice Commission. Monies in the Fund must be used to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. The Commission is required to distribute monies in the Fund to each county according to the three-year average of the total juvenile dependency case filings in the superior court in the county divided by the statewide three-year average of the total juvenile dependency case filings in the superior courts of all 15 counties. Appropriates \$1.5 million from the general fund in FY2018-19 to the Fund.

First sponsor: Rep. Cobb

H2415: JUVENILE DEPENDENCY PROCEEDINGS FUND 1/22 referred to House appro.

HCR2009: OBSCENITY; SEX TRAFFICKING; MINORS; PROTECTION

The members of the Legislature urge the state, political subdivisions, and state agencies, boards, commissions, and departments to curtail access by minors to online and off-line obscenity and pornography, and to increase law enforcement efforts to protect minors against human trafficking, sex trafficking and prostitution. The Secretary of State is directed to transmit copies of this memorial to the Governor and the governing body of each political subdivision.

First sponsor: Rep. Thorpe

HCR2009: OBSCENITY; SEX TRAFFICKING; MINORS; PROTECTION 1/18 referred to House fed-policy.

S1046: FOSTER HOMES; CHILD WELFARE AGENCIES

If a foster home, at the time of license renewal, has not had a licensing action or corrective action plan within the prior two years of licensure, the renewal license is valid until the foster home voluntarily closes it, the Department of Child Safety revokes or suspends it, or the foster home receives a licensing action or corrective action plan. If the foster home receives a licensing action or corrective action plan, the foster home is required to renew the license every two years. IF a child welfare agency, at the time of license renewal, has not had a licensing action or corrective action plan within the first year of licensure, the renewal license is valid until the child welfare agency voluntarily closes it, the Department of Child Safety revokes or suspends it, or the child welfare agency receives a licensing action or corrective action plan. If the child welfare agency receives a licensing action or corrective action plan, the child welfare agency is required to renew the license every two years.

First sponsor: Sen. Petersen

S1046: FOSTER HOMES; CHILD WELFARE AGENCIES 1/17 Senate health-hu ser held.

S1071: ADOPTION; SUBSIDY; REVIEW; NONRECURRING EXPENSES

Adoption subsidy reviews must be conducted periodically as defined by the Department of Child Safety, instead of at least once a year. The maximum amount of nonrecurring adoption expenses the Dept will pay is \$2,000 for each adoption petition, instead of for each eligible child. Unless the Dept determines good cause exists, the Dept is prohibited from paying nonrecurring adoption expenses for a child and all siblings or half-siblings who are adopted by the same parent or parents and whose parental rights were terminated within 60 days of each other, unless the child and all the siblings or half-siblings are on the same adoption petition.

First sponsor: Sen. Brophy McGee

S1071: ADOPTION; SUBSIDY; REVIEW; NONRECURRING EXPENSES 1/18 from Senate health-hu ser do pass.

S1087: DCS REPORTS; STUDY; REPORT

By December 31, 2018, the Department of Child Safety is required to identify the reports and studies the Dept is required to prepare by state and federal law, examine the information required by these laws to identify redundancies and inconsistencies, work with stakeholders to identify ways to make the reports more efficient and meaningful, and report any recommended changes in reporting requirements to the committee of reference for health and human services issues.

First sponsor: Sen. Brophy McGee

S1087: DCS REPORTS; STUDY; REPORT 1/23 from Senate rules okay.

S1139: MARRIAGE OF MINORS; EMANCIPATION REQUIRED

A person who is under 16 years of age is prohibited from marrying, instead of being permitted to marry with parental consent and the approval of any superior court judge. A person who is at least 16 years of age and under 18 years of age may marry only if the person has received an emancipation order. The clerk of the superior court is prohibited from issuing a marriage license to a person who does not meet these requirements.

First sponsor: Sen. Bowie

S1139: MARRIAGE OF MINORS; EMANCIPATION REQUIRED 1/16 referred to Senate jud.

S1198: BLIND PERSONS' RIGHTS; ADOPTION; CUSTODY

A court is prohibited from authorizing the removal of a child from the child's home based on the "blindness" (defined) of the child's parent, and from refusing to allow the visitation by or reunification of a parent with a child based on the blindness of the parent. A court is prohibited from refusing to certify a prospective adoptive parent based on blindness and from refusing to grant an adoption to a potential adoptive parent based on blindness. The Department of Child Safety is prohibited from refusing to license a foster home based on blindness. In determining parenting time or participation in legal decision-making, the court is prohibited from considering a parent's blindness, unless the court finds additional specified circumstances exist. If blindness of a parent, prospective adoptive parent or foster parent is alleged to have a detrimental impact on a child, the party who raises the allegation has the burden of proving by clear and convincing evidence that the blind person's behavior endangers or is likely to endanger the health, safety or welfare of the child.

First sponsor: Sen. Barto

S1198: BLIND PERSONS' RIGHTS; ADOPTION; CUSTODY 1/17 referred to Senate health-hu ser.

Juvenile Justice

Posted Calendars and Committee Hearings

S1087: DCS REPORTS; STUDY; REPORT
Calendar: 1/24 Senate Consent

Bill Summaries

H2036: SUBSTITUTE TEACHERS; EXPERIENCE; CERTIFICATION

The rules for teacher certification adopted by the State Board of Education must allow substitute teachers who can demonstrate primary teaching responsibility in a classroom to use the time spent in that classroom toward any classroom teaching requirement for standard teaching certification.

First sponsor: Rep. Carter

H2036: SUBSTITUTE TEACHERS; EXPERIENCE; CERTIFICATION 1/18 from House educ do pass.

H2068: PROBATION; PAROLE; MEDICAL MARIJUANA USE

A registered qualifying medical marijuana patient who is serving a term of probation, community supervision or parole for a juvenile offense, drug offense, or driving under the influence offense may be prohibited from possessing or using medical marijuana as a condition of the person's probation, community supervision or parole. Due to voter protection, this legislation requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

First sponsor: Rep. Leach

H2068: PROBATION; PAROLE; MEDICAL MARIJUANA USE 1/9 referred to House jud-pub safety.

H2073: JUVENILE; COURT JURISDICTION; AGE

Increases the age at the time of the commission of an alleged offense which allows a juvenile to be prosecuted as an adult for certain felony offenses to 17, from 15, for a list of violent felony offenses and to 16, from 14, for other felony offenses.

First sponsor: Rep. Bolding

H2073: JUVENILE; COURT JURISDICTION; AGE 1/9 referred to House jud-pub safety.

H2193: JUVENILES; MAXIMUM SENTENCE; COMMUTATION

A person who is sentenced to serve a term of imprisonment, including consecutive sentences, of at least 25 calendar years for an offense that was committed before the person attained 18 years of age is eligible for parole on completion of service of 25 calendar years. A person convicted of first degree murder who was under 18 years of age at the time of the commission of the offense can no longer be sentenced to natural life, and statute declaring such a person ineligible for commutation, parole or release from confinement on any basis is deleted. Session law requires the Supreme Court to remand to the original sentencing court each case in which a person was sentenced before the effective date of this act to natural life or to a term of imprisonment, including consecutive sentences, of at least 25 calendar years for an offense that was committed before the person attained 18 years of age. The original sentencing court is required to strike the sentence and enter in its place a sentence of either life with the possibility for parole after serving twenty-five calendars years, if the sentence was for natural life, or a sentence with parole eligibility on

completion of the service of 25 calendar years, if the original sentence, including consecutive sentences, was for a term of at least 25 calendar years.

First sponsor: Rep. Carter

H2193: JUVENILES; MAXIMUM SENTENCE; COMMUTATION 1/18 referred to House jud-pub safety.

H2207: PUBLIC MEETINGS; AUDIOVISUAL RECORDINGS; POSTING

All public bodies are required to provide for a complete audiovisual recording of all their meetings except executive sessions, and are required to post the audiovisual recording of a meeting on its website within five days after the meeting and retain the recording on its website for at least five years.

First sponsor: Rep. Grantham

H2207: PUBLIC MEETINGS; AUDIOVISUAL RECORDINGS; POSTING 1/17 referred to House fed-policy.

H2259: JUVENILE COURT FACILITIES; SHELTERS; USE

If appropriate facilities are available to the juvenile court, the presiding judge of the superior court is permitted to authorize juvenile court staff to provide services within the facilities.

First sponsor: Rep. Carter

H2259: JUVENILE COURT FACILITIES; SHELTERS; USE 1/17 referred to House jud-pub safety.

H2303: SENTENCING; DRUG OFFENSES; REPETITIVE OFFENDERS

Various changes relating to sentencing for drug offenses. For the purpose of the criminal code, the definition of "historical prior felony conviction" is modified to exclude certain drug offenses involving a drug below the threshold amount. For the purpose of the criminal code for drug offenses, the definition of "threshold amount" is modified to mean 10 grams of heroin, increased from 1 gram, 100 grams of cocaine, increased from 9 grams, 8 grams or 100 milliliters of PCP, increased from 4 grams or 50 milliliters, 28 grams of methamphetamine or amphetamine, increased from 9 grams, 5 pounds of marijuana, increased from 2 pounds, and to add 5 milligrams of fentanyl. For the purpose of determining the additional sentence for various drug offenses, the trier of fact is required to determine and the court is required to consider a list of factors, including whether the offense involved more or less than the statutory amount of the drug. The list of mitigating circumstances the court is required to consider when determining sentencing is expanded to include if the defendant's participation in the offense was motivated or substantially attributable to a documented or diagnosed pattern of mental illness, addiction, trauma resulting from active duty military service in a combat zone, or victimization. Repeals statute establishing sentencing for multiple drug offenses not committed on the same occasion.
More.

First sponsor: Rep. Stringer

H2303: SENTENCING; DRUG OFFENSES; REPETITIVE OFFENDERS 1/17 referred to House jud-pub safety.

H2309: SEX OFFENDER REGISTRATION; TERMINATION

For the purpose of a petition filed by a defendant for an order to terminate any duty to register as a sex offender, the list of circumstances that a defendant is required to avow, under penalty of perjury, is modified to allow the victim to be a peace officer posing as a 15, 16 or 17 year old, and to state that the conduct did not involve the use of threats or force, instead of that the sexual conduct was consensual.

First sponsor: Rep. Bowers

H2309: SEX OFFENDER REGISTRATION; TERMINATION 1/18 referred to House jud-pub safety.

H2332: SCHOOL RESOURCE OFFICERS; RESIDENTIAL VOUCHERS

Facilities that receive continuing residential education vouchers that fund the educational costs for any child who requires placement in a residential facility are permitted to apply to participate in the school safety program to use trained school resource officers or juvenile probation officers for facility safety.

First sponsor: Rep. Weninger

H2332: SCHOOL RESOURCE OFFICERS; RESIDENTIAL VOUCHERS 1/22 from House educ do pass.

H2339: DUI; ADMINISTRATIVE SUSPENSION; RESTRICTED LICENSE

The Department of Transportation is permitted, instead of required, to suspend the driving privileges of a person arrested for driving under the influence for 30 days and restrict the driving privileges of the person for at least 60 additional days to travel between specified locations. The scope of a hearing on a driver license suspension is expanded to include whether a license suspension would cause the person undue financial hardship. If the Dept receives proof that clearly demonstrates the person's undue financial hardship, the Dept is authorized to immediately issue a restricted license.

First sponsor: Rep. Stringer

H2339: DUI; ADMINISTRATIVE SUSPENSION; RESTRICTED LICENSE 1/18 referred to House jud-pub safety.

H2356: JUVENILE COURT; JURISDICTION; AGE

On petition of the county attorney, the juvenile court is authorized to retain jurisdiction over an adjudicated delinquent juvenile until the juvenile reaches 21 years of age. The person cannot be detained in a juvenile detention center after reaching 18 years of age, and may be detained in an adult facility for up to one year as a condition of probation. On petition of the state, the juvenile court must provide probation supervision and treatment services until the person reaches 21 years of age. The court is permitted to terminate probation supervision or treatment services after the person reaches 18 years of age if the court determines that continued treatment is not required or the person commits a new offense after reaching 18 years of age.

First sponsor: Rep. Bowers

H2356: JUVENILE COURT; JURISDICTION; AGE 1/22 referred to House jud-pub safety.

H2360: JUVENILE DELINQUENCY; MINIMUM AGE

The minimum age at which a child against whom a complaint has been filed citing the commission of a delinquent act is required to appear at the juvenile court is increased to 14 years of age, from 10 years of age. The definition of "delinquent act" is modified to require the act to be committed by a juvenile who is fourteen years of age or older.

First sponsor: Rep. Blanc

H2360: JUVENILE DELINQUENCY; MINIMUM AGE 1/18 referred to House jud-pub safety.

H2439: COUNTY CONTRIBUTIONS; COMMITTED YOUTH; REPEAL

Repeals statue requiring the Department of Juvenile Corrections to annually assess a committed youth confinement cost sharing fee to each county, and the Department of Juvenile Corrections Local Cost Sharing Fund. All unexpended and unencumbered monies remaining in the Fund are transferred to the general fund on the effective date of this legislation. The amount of monies transferred is appropriated from the general fund in FY2018-19 to the Department of Administration for distribution to each county in a proportional share using population data from the most recent U.S. decennial census.

First sponsor: Rep. Thorpe

H2439: COUNTY CONTRIBUTIONS; COMMITTED YOUTH; REPEAL 1/23 referred to House appro.

HCR2009: OBSCENITY; SEX TRAFFICKING; MINORS; PROTECTION

The members of the Legislature urge the state, political subdivisions, and state agencies, boards, commissions, and departments to curtail access by minors to online and off-line obscenity and pornography, and to increase law enforcement efforts to protect minors against human trafficking, sex trafficking and prostitution. The Secretary of State is directed to transmit copies of this memorial to the Governor and the governing body of each political subdivision.

First sponsor: Rep. Thorpe

HCR2009: OBSCENITY; SEX TRAFFICKING; MINORS; PROTECTION 1/18 referred to House fed-policy.

S1078: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP

Increases the number of members of the Arizona Criminal Justice Commission to 17 members by adding one person who leads an indigent defense agency, one person who leads a private nonprofit juvenile justice organization, and one licensed psychiatrist or psychologist with experience working in the criminal justice system. Session law provides for the initial terms of the new members.

First sponsor: Sen. Barto

S1078: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP 1/9 referred to Senate jud.

S1087: DCS REPORTS; STUDY; REPORT

By December 31, 2018, the Department of Child Safety is required to identify the reports and studies the Dept is required to prepare by state and federal law, examine the information required by these laws to identify redundancies and inconsistencies, work with stakeholders to identify ways to make the reports more efficient and meaningful, and report any recommended changes in reporting requirements to the committee of reference for health and human services issues.

First sponsor: Sen. Brophy McGee

S1087: DCS REPORTS; STUDY; REPORT 1/23 from Senate rules okay.

S1138: COUNTY JAIL EDUCATION PROGRAMS; AGE

Counties that operate a county jail are required to offer an education program to serve all prisoners who are 21 years of age or younger who do not have a high school diploma or a general equivalency diploma, instead of to serve all prisoners who are under 18 years of age and prisoners with disabilities who are 21 or younger. Each student enrolled in an accommodation school county jail education program must be funded at the full amount for that student if s/he were enrolled in another accommodation school program, instead of at 72 percent of the full amount.

First sponsor: Sen. Bradley

S1138: COUNTY JAIL EDUCATION PROGRAMS; AGE 1/16 referred to Senate educ, appro.

S1219: CLASSROOMS; STUDENT REMOVAL PROCEDURES

The list of conditions under which a teacher is authorized to remove a student from the classroom, the list of reasons a student may be expelled, and the list of reasons a school district may reassign a student to an alternative education program are expanded to include continued acts of bullying. A school's placement review committee is authorized to place a student who was removed from the classroom by a teacher in a new class, back in the existing class unless the teacher refuses to readmit the student, place the student in an alternative to suspension program or place the student in an alternative education program. If a student is removed again from the classroom, the committee may recommend suspension or expulsion of a student if the committee finds that an additional referral to one of the alternative programs or placement in another classroom will be unsuccessful.

First sponsor: Sen. Brophy McGee

S1219: CLASSROOMS; STUDENT REMOVAL PROCEDURES 1/18 referred to Senate educ.

S1260: LAW ENFORCEMENT OFFICERS; INTERVIEWS; RIGHTS

During an internal investigation of a law enforcement officer, the officer's representative is permitted to take notes during an interview. The officer and the officer's representative and attorney may use notes taken during the interview only to defend the officer in an investigation or a disciplinary matter. If the officer or representative or attorney releases information without authorization, s/he may be subject to disciplinary action.

First sponsor: Sen. Borrelli

S1260: LAW ENFORCEMENT OFFICERS; INTERVIEWS; RIGHTS 1/22 referred to Senate gov.

S1346: JUVENILES; COURT JURISDICTION; AGE

Increases the age at the time of the commission of an alleged offense which allows a juvenile to be prosecuted as an adult for certain felony offenses to 17, from 15, for a list of violent felony offenses and to 16, from 14, for other felony offenses.

First sponsor: Sen. Dalessandro