

GENERAL

Chapter Number	Description
CHAPTER 1 HB 2019 Go to full text	ARIZONA STATE HOSPITAL The Arizona State Hospital Capital Construction Commission is charged with review of capital construction and renovations at the Arizona State Hospital for forensic, civil and sexually violent person facilities. The chapter appropriates \$80,000,000 between fiscal years 2000 and 2003 from the budget stabilization fund which will be repaid by the tobacco settlement fund. Effective January 19, 2000.
CHAPTER 3 HB 2564 Go to full text	SUPPLEMENTAL APPROPRIATION The Arizona State Hospital Capital Construction Commission is charged with review of capital construction and renovations at the Arizona State Hospital for forensic, civil and sexually violent person facilities. The chapter appropriates \$80,000,000 between fiscal years 2000 and 2003 from the budget stabilization fund which will be repaid by the tobacco settlement fund. Effective January 19, 2000.
CHAPTER 11 HB 2649 Go to full text	PUBLIC HEALTH SERVICES It is a class 3 misdemeanor to violate a published order or regulation of a county relating to public health and safety. It is also a class 3 misdemeanor for a person to maintain an unsanitary condition premises and refuse to place the premises in a sanitary condition within three days of being ordered to do so by specified health officials or thereafter to refuse or fail to maintain the premises in a sanitary condition. The final determinations of hearing officers in cases involving civil penalties for violation of sanitary regulations, codes or orders are subject to judicial review pursuant to Title 12. Retroactive to June 30, 2000.
CHAPTER 12 HB 2042 Go to full text	PODIATRY BOARD The superior court may hold in contempt of court a person who refuses to obey a subpoena issued by the Board of Podiatry Examiners.
CHAPTER 14 HB 2131 Go to full text	MINIMUM GAMBLING AGE Beginning July 1, 2003 , a person must be 21 years of age to participate in pari-mutuel wagering, purchase a lottery ticket, receive a prize from a lottery ticket, and wager on tribal gaming activities.
CHAPTER	OUTDOOR ADVERTISING VIOLATION

<p>34 HB 2559 Go to full text</p>	<p>A municipality must file an action regarding an outdoor advertising use or structure zoning or a sign code violation within two years after discovering the violation. The action initially must be filed in a court having jurisdiction to impose all penalties sought and that jurisdiction also must be necessary for effective filing. Only the superior court has jurisdiction to order removal, abatement, reconfiguration or relocation of an outdoor advertising use or structure.</p>
<p>CHAPTER 35 SB 1344 Go to full text</p>	<p>ARBITRATION DEPOSITS A deposit made by an appellant as a condition of receiving a trial de novo in the superior court may be returned only if the judgment on the trial is at least twenty-five percent more favorable than the relief granted by an arbitration award. Formerly, a more favorable judgment of ten percent was sufficient.</p>
<p>CHAPTER 39 SB 1082 Go to full text</p>	<p>FIRE FIGHTER CANCER INSURANCE Fund manager court costs and attorney fees are exempted from the limitation on the amount of monies from the fire fighter cancer insurance policy program account that the fund manager may use to pay the cost of administering the program.</p>
<p>CHAPTER 41 SB 1249 Go to full text</p>	<p>COURT REPORTERS BOARD July 1, 2000 is established as the starting date for court reporter certification. The Supreme Court shall administer the court reporter certification program, adopt program rules and establish and collect fees, costs and fines necessary for implementation of the program. The Board of Certified Court Reporters (Board) recommends to the Supreme Court rules, policies and procedures to implement the certification program. On its own motion or upon receipt of a complaint, the Board must investigate and take disciplinary action for alleged violations of certification rules or requirements. The Board is authorized to impose cease and desist orders, issue letters of concern or warnings or order revocation or suspension of certification for violations and to assess costs and fines associated with the prosecution. Applicants for standard certification must meet stated requirements, including the demonstration of reasonable proficiency in making verbatim transcripts, as established by Supreme Court rule, and submit to the Supreme Court a full set of fingerprints for the purpose of obtaining a state and federal criminal records check. The Supreme Court sets the date and place for certification examinations. If the Board is satisfied that the applicant meets certification requirements, the Supreme Court issues a certificate to the applicant. The authority of the Board to refuse certification is expanded to include specified grounds. The Board may revoke or suspend a license if the court has ordered treatment for a certified reporter pursuant to Title 36 or the reporter is found to be incapacitated pursuant to title 14. A summary suspension of a certificate may be ordered pending certificate revocation or other action if the Board finds that there is danger to the public health, safety or welfare. The</p>

	<p>procedures and qualifications for obtaining obtain a temporary certificate are clarified. The qualifications for temporary certification are listed. An applicant may be required to provide signed affidavits from three attorneys or judges for whom the court reporter has reported depositions or other judicial proceedings and prepared transcripts. The Board may refuse to issue or renew a temporary certificate for cause pursuant to rules adopted by the Supreme Court. Effective July 1, 2000.</p>
<p>CHAPTER 52 HB 2703 Go to full text</p>	<p>ELECTED OFFICIALS SALARY COMMISSION Laws relating to the Commission on Salaries for Elected State Officials are amended to require that the commission meet and submit its report in even-numbered years to coordinate with the biennial budget system. Beginning in 2002, the commission meets in even-numbered years and reports by June 1. The recommendations made in 1999 apply to the two-year budget for fiscal years 2001 and 2002.</p>
<p>CHAPTER 66 HB 2238 Go to full text</p>	<p>RETIREMENT AGE The requirement that retirees and beneficiaries covered by the Arizona State Retirement System be at least 55 years of age in order to receive the automatic annual benefit increase prescribed by law is repealed.</p>
<p>CHAPTER 81 SB 1263 Go to full text</p>	<p>RESIDENTIAL CARE WORKERS Failure of the Department of Public Safety (DPS) to approve an application to own or be employed by a residential care institution, nursing care institution or home health agency following a criminal-history record check is a final administrative decision subject to judicial review. If the results of the record check (or the notarized form each owner or employee is required to submit to DPS) shows that a person is awaiting trial on or has been convicted of specified crimes (e.g., arson, theft and assault) or similar offenses, the person may request a good cause exception hearing with the Board of Fingerprinting. If granted, the person may continue to provide care or services to the institution or agency. The Board is required to establish rules for good-cause exceptions.</p>
<p>CHAPTER 83 HB 2313 Go to full text</p>	<p>TOBACCO SETTLEMENT Arizona enacts the model escrow-accounts statute described in the master settlement agreement with tobacco companies made between Arizona and tobacco product makers on November 23, 1998. By its terms every tobacco product manufacturer selling cigarettes to consumers in the state must either become a participating manufacturer or place a specified portion of the monies for each unit sold in an escrow account to any judgments or settlements on released claims. Identical provisions were also enacted as a part of Chapter 366, effective April 24, 2000.</p>

<p>CHAPTER 98 SB 1151 Go to full text</p>	<p>INTERPRETERS FOR HEARING IMPAIRED PERSONS The state Council for the Hearing Impaired is re-named the Commission for the Deaf and the Hard of Hearing, its membership is revised and its executive secretary is re-titled executive director. Beginning September 1, 2007, the commission is charged with licensing interpreters for the deaf and hard of hearing and interpreters who provide services in legal proceedings, as prescribed in § 12-242. A new article governing licensure is added to title 36. After September 30, 2007, a qualified intermediary interpreter may be nominated whenever an interpreter or the deaf person determines that effective communication is not occurring.</p>
<p>CHAPTER 100 SB 1347 Go to full text</p>	<p>NONCONSENSUAL LIENS The statutes regarding nonconsensual liens against the property of public officers and employees are amended to make protections originally designed to prevent harassment of public officials applicable to any person's property. A nonconsensual lien, other than one recorded or filed by a governmental agency or political subdivision, a licensed utility company, a mechanics' lien claimant or an entity created by covenants or conditions affecting real property, is invalid unless accompanied by an order or judgment from a court of competent jurisdiction authorizing the recording or filing.</p>
<p>CHAPTER 105 HB 2496 Go to full text</p>	<p>JURY SELECTION Revises the jury selection process by requiring the jury commissioner or jury commissioner's agent to select juror names at least twice a year rather than in January and July of each year. Clarifies the presiding judge determines the number of alternate grand jurors with a minimum of four. Allows the jury commissioner's agent to draw randomly from the master jury list, conduct the drawing publicly or to use an automated computer process for the random selection of names. Eliminates the requirement to keep minutes of the drawings.</p>
<p>CHAPTER 110 SB 1131 Go to full text</p>	<p>STATE TECHNOLOGY ACCOUNT A statewide technology license agreement account is established within the Department of Administration's technology and telecommunications fund. Any state budget unit intending to purchase a product or service for which a statewide technology license agreement has been executed must make the purchase under the agreement and forward payment to the statewide technology license agreement account.</p>
<p>CHAPTER 114 SB 1441 Go to</p>	<p>CONSTABLE SALARIES In precincts having sixteen thousand or more registered voters, the salary of constables is increased from not less than \$36,810 nor more than \$44,170 to not less than \$48,294 nor more than \$55,654. A joint legislative committee is created</p>

full text	<p>to review current methods of setting constables' salaries to determine whether it is an appropriate measure of a constable's workload; review possible alternative methods of establishing salaries; review the job duties of constables; review the feasibility of eliminating constables in favor of using sheriffs or private process servers to perform a constable's duties; and, review the process by which justice precincts are drawn. The report and recommendations of the committee must be submitted by December 15, 2000.</p>
<p>CHAPTER 115 SB 1443 Go to full text</p>	<p>PROCUREMENT CODE State purchasing agencies are authorized to enter into public-private partnership contracts to finance technology needs. Requests for proposals must require prospective private partners to propose specific performance improvements and approaches to measure the value delivered by the vendor technology solution. The Joint Legislative Budget Committee must be consulted with regard to fiscal impact on the state before a contract is awarded. The judicial branch is not governed by the state procurement code but under § 41-2501(E) must adopt substantially equivalent policies and procedures.</p>
<p>CHAPTER 126 SB 1127 Go to full text</p>	<p>RETIREMENT PLAN CONFORMITY Provisions are added to statutes controlling the Elected Officials Retirement Plan, the Corrections Officer Retirement Plan and the Public Safety Personnel Retirement System to ensure the plans continue to receive tax-exempt status under the Internal Revenue Code. An intent clause recites that the Legislature intends the plans and system to be IRC-qualified, their trusts exempt from taxation and their assets held for the exclusive benefit of the members. Retroactive in part to July 1, 1968; Aug. 7, 1985; and July 1, 1986.</p>
<p>CHAPTER 161 HB 2494 Go to full text</p>	<p>COUNTY BENEFITS AND MEETINGS The limit for publicly funded life insurance for county employees and elected officials is increased from \$40,000 to \$50,000 or the amount of the salary annually paid to the elected official or employee, whichever is more. The number of persons required to serve on a board of trustees for a life insurance risk retention pool is reduced from at least three to at least five persons.</p>
<p>CHAPTER 162 HB 2610 Go to full text</p>	<p>NAVIGABLE WATER QUALITY If a court overturns or modifies a final administrative decision of the director of the state Department of Environmental Quality (DEQ) relating to the total maximum daily load (TMDL) program, DEQ must take steps to implement the court's decision within 30 days, unless the decision involved was submitted to and approved by the regional administrator of the federal Environmental Protection Agency, in which case the department must, within 30 days, request the administrator modify the approval to reflect the court's decision.</p>

<p>CHAPTER 193 SB 1426 Go to full text</p>	<p>STATE TREASURER Numerous technical and conforming changes are made in this 500-page law to resolve conflicting statutory language affecting the state treasurer's office. One change clarifies monies collected by the courts, such as civil penalties, fines, surcharges, fees (including filing fees, time payment fees, fees collected for program implementation, etc.) and costs are deposited pursuant to §§ 35-146 and 35-147 by remitting monies to the state treasurer for credit to the general fund. Monies in the specified funds administered by the Supreme Court (such as the judicial collection enhancement fund, the criminal case processing and enforcement improvement fund, and the board of certified court reporters fund) may be invested by the state treasurer "on notice" from the Court.</p>
<p>CHAPTER 220 HB 2662 Go to full text</p>	<p>SECURITY GUARDS The suspension or revocation of a security guard agency license or a security guard registration by the director of the Department of Public Safety may be appealed to the superior court pursuant to title 41.</p>
<p>CHAPTER 231 SB 1129 Go to full text</p>	<p>RETIREMENT BENEFIT INCREASES A member of the Elected Officials Retirement Plan who was employed before September 15, 1989, by an employer participating in the plan and who retires on or after November 1, 1996, but before November 1, 2000, is entitled to receive a tax equity benefit allowance consisting of a permanent increase of two per cent of the member's base benefit retroactive to the day of retirement. The cost of the benefit increase section is payable from the assets of the plan and is added to the unfunded liability of the plan.</p>
<p>CHAPTER 241 HB 2487 Go to full text</p>	<p>STATE-COUNTY FISCAL COMMITTEE The State-County Fiscal Committee is committee is established as a forum for consideration and discussion of issues relating to county fiscal matters. The committee includes one member of the judiciary appointed by the Chief Justice of the Supreme Court.</p>
<p>CHAPTER 242 HB 2529 Go to full text</p>	<p>COUNTY JAIL DISTRICT FUNDS The board of directors of a county jail district shall retain any unexpended or unencumbered funds remaining in the jail district general fund at the end of a fiscal year and may allocate monies as necessary for specified purposes. County jail districts formed after January 1, 2000, may not allocate monies to reduce the county primary property tax levy.</p>
<p>CHAPTER 249</p>	<p>ELECTION LAWS Distributing, posting or providing access to information from voter registration</p>

<p>SB 1372 Go to full text</p>	<p>forms or precinct registers through the Internet without prior written approval of the voter is a class 6 felony.</p>
<p>CHAPTER 261 SB 1274 Go to full text</p>	<p>HUMAN RIGHTS COMMITTEES To promote the rights of clients receiving services, human rights committees on the developmentally disabled and on children, youth and families are established in the Department of Economic Security and a human rights committee on the mentally ill is established in the Department of Health Services. Persons serving on the committees are not subject to civil liability for consequences of actions taken in good faith and without malice in connection with duties of functions of the committee. The presence of malice must be determined by the court by clear and convincing evidence.</p>
<p>CHAPTER 263 SB 1321 Go to full text</p>	<p>VOLUNTARY ENVIRONMENTAL PERFORMANCE ACT If by July 1, 2001, the 45 th Legislature appropriates \$250,000 and another \$250,000 is donated, the Department of Environmental Quality (DEQ) must implement a voluntary environmental performance program by which an organization may agree to meet and maintain certain environmental performance standards in return for specified regulatory incentives, including total or partial waiver of penalties for noncompliance with environmental laws and permits. The stated intent of the law is to encourage less expensive programs and more trust among government, regulated parties and the public. A party to a cooperative agreement aggrieved by a decision of the director of DEQ to terminate an organization from the program or to refuse to grant civil penalty waivers may seek judicial review by direct appeal to the superior court. To prevail, the party must demonstrate that the director's decision was arbitrary and capricious or an abuse of discretion. All penalty waivers granted by the director must be in the form of a mutual agreement, an administrative consent order or a judicial consent order.</p>
<p>CHAPTER 268 HB 2069 Go to full text</p>	<p>ELECTRONIC TRANSACTIONS ACT The Arizona Electronic Transactions Act (modeled after the Uniform Electronic Transactions Act developed by the National Conference of Commissioners on Uniform State Laws) is established to facilitate intrastate, interstate and international electronic transactions by allowing parties to conduct electronic transactions and to electronic contracts using electronic signatures. The Act applies to any electronic record and electronic signature relating to a transaction except to the creation and execution of wills, codicils, or testamentary trusts and parts of the Uniform Commercial Code. Governmental agencies, including a "judicial agency," must determine if, and the extent to which, the agency will create and retain electronic records, convert written records to electronic records, and send and accept electronic records and signatures and otherwise create, store, process and rely on electronic records.</p>

<p>CHAPTER 278 SB 1045 Go to full text</p>	<p>UNIFORM LAWS COMMISSION The sunset date for the Arizona Commission on Uniform State Laws is extended ten years, to July 1, 2010. Retroactive to July 1, 2000.</p>
<p>CHAPTER 283 HB 2090 Go to full text</p>	<p>SLUMLORD LAW 1999 legislation allowing governmental agencies to designate residential rental property as slum property is amended to clarify that the decision of an administrative appeal contesting the designation of property as slum property is subject to judicial review.</p>
<p>CHAPTER 341 HB 2079 Go to full text</p>	<p>STATE RETIREMENT COMPUTATION STUDY A legislative study committee is established to examine and compare actuarial computation methods that may be appropriate for the Arizona state retirement system, including the entry age normal cost method and the projected unit credit method, and to report its findings on or before December 1, 2000.</p>
<p>CHAPTER 358 SB 1392 Go to full text</p>	<p>PUBLIC MEETINGS A definition of "executive session" is added to the statute on public meetings and proceedings. Any person receiving executive session information shall not disclose that information except to the attorney general or county attorney, by agreement with the public body, or to a court in camera for purposes of enforcing the public meeting law. Any court that reviews executive session information shall take appropriate action to protect privileged information. The attorney general may apply to the superior court for a protective order preventing the disclosure of executive session minutes or discussions. When investigating an alleged violation of the law, the attorney general may file an action in the superior court to compel compliance with a written investigation demand. The court may order compliance and may issue prescribed orders until the party complies. The civil penalty for violation of the law may be assessed per violation against the violator or one who knowingly aids, agrees to aid or attempts to aid another person in the violation.</p>
<p>CHAPTER 364 HB 2554 Go to full text</p>	<p>LOBBYIST REGULATION A lobbyist may not make an expenditure for entertainment for a state officer or employee, or a member of a county board of supervisors, city or town governing body or school board unless the entertainment is connected with a properly reported special event or is incidental to a speaking engagement. Speaking engagements for which spending is reported are excluded from the definition of "gift." "Speaking engagement" is defined as the amount paid for entrance fees, lodging, food and drink, entertainment, travel and other expenses for a state</p>

	<p>officer's or employee's attendance at a meeting concerned with government activity where the officer or employee participates. The requirement for the secretary of state to issue an annual report on lobbyists who fail to report expenditures is repealed. Effective January 1, 2001.</p>
<p>CHAPTER 372 SB 1220 Go to full text</p>	<p>SPORTS STADIUM AUTHORITY A Tourism and Sports Authority is established for the purpose of constructing, financing, maintaining, operating and promoting a multipurpose facility, major league baseball spring training facilities and community youth and amateur sports facilities. The authority must be established in a county that has a population of more than 2 million persons, which limits the potential sites to within Maricopa County. The authority has no power to levy taxes to finance the facility. However, if approved by the qualified electors residing in the authority's boundaries, the authority may levy a car rental surcharge of 3.25 percent or \$2.50 on each lease or rental and a transient lodging tax of 1.0 percent. The Arizona Cardinals football franchise is required to contribute \$85 million towards the facility, but the franchise also retains the naming rights for the facility. Additionally, the authority will have the power to issue bonds and pledge revenues to secure those bonds. The authority will also recapture the transaction privilege tax revenues generated at the multipurpose facility and the income taxes generated by the Cardinals franchise, its players and employees.</p>
CIVIL	
Chapter Number	Description
<p>CHAPTER 37 HB 2600 Go to full text</p>	<p>MANAGED CARE ACCOUNTABILITY ACT When health care plans contract with a risk-bearing third party intermediary, the third party intermediary must secure a payment bond or post a cash deposit at its own expense. In any suit on the bond or the cash deposit, the prevailing party may recover as a part of the judgment a reasonable attorney fee as determined by the court. The payment bond must include a provision to that effect. Under specified circumstances, a health care insurer is liable for damages caused to an enrollee for the insurer's delay in authorizing or failure to authorize medically necessary health care services covered under the insurance contract. An enrollee who files an action under the statute may not pursue a common law claim for bad faith and if a bad faith claim is filed the statutory cause of action is foreclosed.</p>
<p>CHAPTER 53 SB 1056 Go to full text</p>	<p>ELECTRIC POWER COMPETITION Any person who serves as a director of an electric cooperative or in an advisory capacity to the cooperative or the board of directors of the cooperative is immune from civil liability and is not subject to a suit for any act or omission that results in damage or injury if that person acts in good faith and within the</p>

	<p>scope of the persons official capacity and the damage was not the result of the person's willful conduct or gross negligence. Consumer protection provisions are enhanced by providing that, notwithstanding any other law, customer information shall not be released for commercial or law enforcement purposes without court order. Effective March 26, 2000.</p>
<p>CHAPTER 72 HB 2109 Go to full text</p>	<p>WORKPLACE HARASSMENT</p> <p>A new section is added to title 12, permitting an employer to petition for an injunction prohibiting workplace harassment, defined as a threat or act or series of acts that would cause a reasonable person to be seriously alarmed or annoyed. "Employer" is broadly defined to include an individual, partnership, corporation or a person or group of persons acting on behalf of or in the interests of and with the consent of an employer, and includes the state, a political subdivision, a school district or other special district. The content and organization of the new law is similar to the law on injunctions against harassment. A petition may be filed with any justice of the peace, magistrate or superior court judge. A filing fee is established pursuant to §§ 12-284, 22-281 and 22-404. The injunction may be issued ex parte to restrain a person from coming near the employer's property or place of business and from contacting the employer or any other person while that person is on or at the property or place of employment or while performing official work duties. The injunction must notify the defendant of the right to a hearing within ten days of a written request and also must contain a statutorily prescribed warning. A copy of the petition and the injunction must be served on the defendant within one year from the date of issuance and is effective for one year after service is made. An injunction that is modified is effective upon service and is valid for one year after service of the initial injunction. An affidavit or acceptance of service of the injunction must promptly be filed with the clerk of the issuing court. Within twenty-four hours (excluding weekends) of the time proof of service is filed, the injunction and any modified injunction must be registered with the sheriff of the county in which the employer is located. Any person that the employer knows is the specific target of the harassment must be notified of the employer's intent to seek an injunction. The employer is immune from civil liability for seeking or failing to seek an injunction unless the employer is acting primarily to accomplish a purpose for which the injunction was not designed. Effective January 1, 2001.</p>
<p>CHAPTER 108 SB 1099 Go to full text</p>	<p>SECURITIES</p> <p>A number of changes are made to statutes governing regulation of securities by the Corporation Commission's securities division. Amendments to two separate statutes (§§ 44-1825 and 44-3134) dealing with sales of securities and investment management mandate that the court award reasonable expenses, including attorney fees, to the commission for failure to obey a subpoena or citation issued by the commission, if the failure is not substantially justified and</p>

	unless other circumstances make an award of expenses unjust. Expenses awarded must be deposited in the state general fund.
CHAPTER 112 SB 1291 Go to full text	DATING REFERRAL SERVICES A new chapter of law regulates contracts for dating referral services that requires contracts for these services to be written, provides a three-day rescission ("cooling off") period and prohibits certain contract provisions and acts. A court of competent jurisdiction may award the prevailing party to an action on a contract actual damages and reasonable attorney fees and costs. The act applies only to dating referral service contracts entered into after the effective date of the act.
CHAPTER 113 SB 1435 Go to full text	REGULATORY REFORM Statutes governing appeals of decisions by a variety of state agencies are amended to conform to the Uniform Administrative Appeals Process. The agencies affected are principally "90/10" boards or commissions; so called because 90 percent of fees collected fund operations of the entity with 10 percent remitted to the state general fund. These boards and commissions were brought within the act by a definitional change in 1998, but individual statutes were not conformed at that time. Amendments also clarify that final administrative decisions are subject to judicial review under title 12.
CHAPTER 123 SB 1334 Go to full text	EMINENT DOMAIN A limitation on commencement of actions for eminent domain is added to sections of law (§ 12-1129 is added and § 12-1156 amended). If the plaintiff causes the complaint to be dismissed without prejudice before payment of the compensation and damages awarded the defendant by the court or jury, the plaintiff may not commence any eminent domain action for the same property or for the same or a related project for at least two years after the date of the verdict or judgment.
CHAPTER 176 HB 2158 Go to full text	OSTEOPATHIC EXAMINERS A person who in good faith reports information to the Board of Osteopathic Examiners in Medicine and Surgery regarding an osteopathic physician or surgeon who may be guilty of unprofessional conduct or may be mentally or physically unable safely to engage in the practice of medicine is not subject to civil liability.
CHAPTER 179	MUNICIPAL ANNEXATION A court must award reasonable attorney fees and costs to a property owner who

<p>HB 2599 Go to full text</p>	<p>prevails in an action challenging an annexation by a municipality.</p>
<p>CHAPTER 182 HB 2709 Go to full text</p>	<p>WRONGFUL DEATH ACTIONS A surviving child, parent and legal guardian are now listed among those who may commence a wrongful death action. A personal representative to whom letters testamentary or of administration have been granted may file the action without further letters or other authorization.</p>
<p>CHAPTER 184 HB 2037 Go to full text</p>	<p>UNCLAIMED PROPERTY A schedule is established by which property may be presumed abandoned if unclaimed by the apparent owner. Included is property is received by a court as proceeds of a class action and not distributed pursuant to the judgment within one year after the distribution date. Property held by a court, government, government subdivision, agency or instrumentality, except for support as defined in § 25-500 or spousal maintenance, also is presumed abandoned one year after the property becomes distributable. A court may order the Department of Revenue (DOR) to disclose confidential information pertaining to a party to an action. An order shall be made only on a showing of good cause and that the party who seeks the information has demanded the information from the claimant. The court may award a claimant reasonable attorney fees to those who file an action against the DOR. Documents and working papers that the DOR or the DOR’s agent, employee or designated representative obtains or compiles in the course of conducting an examination may be produced pursuant to a subpoena or court order.</p>
<p>CHAPTER 194 SB 1480 Go to full text</p>	<p>AIR POLLUTION CONTROL The chapter conforms county air pollution control programs with many of the requirements of the state Administrative Procedures Act. Any person who is or may be affected by a county rule or ordinance may obtain a judicial declaration of the validity or construction of the rule or ordinance by filing a declaratory judgment action in the superior court under title 12. A person may bring a civil action in superior court against a control officer alleging that the control officer has failed to act in a timely manner. The control officer must be given at least 60 days prior to the commencement of such an action. A new section governs judicial review of hearing board or administrative law judge decisions. Appealable agency actions may be taken to the superior court without prior review by the hearing board or administrative law judge. Exceptions are provided for appeals of decisions on permits, conditional orders or orders of abatement and final administrative decisions from administrative appeals. Superior court decisions may be appealed to the court of appeals.</p>

<p>CHAPTER 203 HB 2139 Go to full text</p>	<p>LANDLORD-TENANT UTILITY CHARGES When a landlord does not disclose administrative charges for submetering utility services or the use of a ratio utility billing system the tenant must first object to the landlord in writing and if the dispute cannot be resolved then may file a civil complaint in justice court.</p>
<p>CHAPTER 250 SB 1374 Go to full text</p>	<p>ATTORNEY FEES FOR PROPERTY SEIZURE Requires the court to award attorneys fees and other expenses to a party who prevails in a civil action brought by the party against the state, county, city or town to challenge the seizure and sale of personal property.</p>
<p>CHAPTER 262 SB 1294 Go to full text</p>	<p>MORTGAGE GUARANTEE INSURERS In response to a subpoena issued in a criminal or civil action, the director of the Department of Insurance must release information regarding reinsurance agreements submitted to the director as required by law. In a civil action in which a domestic mortgage guarantee insurer is a party, any other party to the action may obtain the information if relevant to the action, not available from another non-confidential source and a subpoena issued by a judicial officer has been submitted to the director.</p>
<p>CHAPTER 266 SB 1514 Go to full text</p>	<p>MILITARY AIRPORTS Effective January 1, 2001, each political subdivision with territory in the vicinity of a military airport must submit to the attorney general, on or before February 15 and August 15 of each year, a report demonstrating compliance with land use planning and zoning regulation requirements and sound attenuation standards for building codes for territory in the vicinity of a military airport. In specified circumstances, the attorney general may commence a civil action in the superior court to restrain, enjoin, correct or abate a violation of the act or to collect a civil penalty. In any enforcement action, the court may assess civil penalties in favor of the state and must award reasonable attorney fees and other costs if the attorney general prevails.</p>
<p>CHAPTER 289 HB 2614 Go to full text</p>	<p>RECREATIONAL VEHICLE RENTAL SPACE ACT The Recreational Vehicle Rental Space Act is added to law, governing landlord-tenant relationships for rental spaces leased to recreational vehicle owners for more than 180 consecutive days. Similar to the structure of existing landlord tenant acts, the new law includes definitions, general provision and specific provisions regarding rental agreements, obligations of the parties, remedies and retaliatory actions. A court may find a rental agreement or a settlement of a</p>

	rental agreement dispute to be unconscionable. A tenant may recover damages and obtain injunctive relief for any noncompliance by the landlord with the rental agreement or any other provision of law. Material and irreparable noncompliance by the tenant entitles the landlord to proceed in a special detainer action.
CHAPTER 319 HB 2016 Go to full text	INSURANCE DEPARTMENT LICENSING Two sections of law relating to the authority of the Department of Insurance to redress violations of insurance licensing laws are amended to clarify that the superior court in Maricopa County is the proper venue for any civil action commenced by the attorney general to enjoin or restrain a person from continuing a violation, engaging in a violation or doing any act in furtherance of a violation.
CHAPTER 323 HB 2130 Go to full text	JUSTICE COURT JURISDICTION The \$1,000 monthly property rental value limit on the concurrent jurisdiction of the justice of the peace courts in forcible entry and detainer cases is eliminated and the jurisdictional limit in such cases is increased to a total involved amount of \$10,000, exclusive of interest, costs and awarded attorney fees. Justice courts are granted concurrent original jurisdiction with the superior court in all cases when the amount involved is more than \$5,000 and less than \$10,000, exclusive of interest, costs and awarded attorney fees. When a party files a counterclaim exceeding \$10,000, a justice of the peace must forward all papers with a certified copy of the docket to the superior court. If it appears that the counterclaim has a value of \$10,000 or less, the superior court may remand the case and order costs. Should the counterclaiming party recover \$10,000 or less, the superior court may deny to and impose on the party costs, including reasonable attorney fees. The statute (§ 13-4146) making a judge liable for financial damages for failure to grant a writ of habeas corpus upon a proper application is repealed. This portion retroactive to January 1, 2000.
CHAPTER 338 SB 1130 Go to full text	INSURANCE SUBROGATION An insurer providing uninsured or underinsured motorist benefits must commence an action for subrogation and reimbursement within two years of the date that the insurer first makes payment to the insured.
CHAPTER 365 HB 2647 Go to	ABORTION Beginning January 1, 2001 , a person may not knowingly perform an abortion after 12 weeks' gestation without an ultrasound exam to estimate gestational age based on biparietal diameter and femur length and unless the person ensures that

full text	a copy of each ultrasound result taken of a fetus of a woman as a result of a second or third trimester abortion is sent for evaluation by an entity contracted by the Department of Health Service.
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Chapter Number	Description
CHAPTER 15 SB 1089 Go to full text	DRUG AND GANG POLICY COUNCIL The Arizona Drug and Gang Policy Council is extended until July 1, 2005.
CHAPTER 32 HB 2245 Go to full text	STATUTORY CORRECTIONS This annual corrections legislation makes technical amendments to a number of statutes. There are retroactive and general effective dates. By December 1 of each year the public defender shall provide the presiding judge of the superior court an annual report on the average cost of defending a felony case. The court may order an indigent administrative assessment of not more than \$25 at the time of the defendant's initial appearance and may order an indigent administrative assessment of not more than \$25 to be paid by a juvenile or a juvenile's parent or guardian at the time of a juvenile's advisory hearing. The court may require that the defendant, including a defendant who is placed on probation, repay the county a reasonable amount to reimburse for the defendant's legal defense. A juvenile's legal services shall be reimbursed pursuant to § 8-221. Assessments collected shall be paid into the county general fund to defray costs of public defenders and court appointed counsel.
CHAPTER 49 HB 2394 Go to full text	NO-KNOCK SEARCH WARRANTS The bill permits a magistrate to issue a warrant authorizing an unannounced entry if an announced entry would endanger the safety of any person or result in the destruction of items described in the warrant. The bill allows an officer to break into a building, premises or vehicle to execute a search warrant under specified circumstances. Evidence seized pursuant to a search warrant shall not be suppressed as a result of this chapter unless required by the state and federal constitutions.
CHAPTER 50 HB 2395 Go to full text	CHILD AND VULNERABLE ADULT ABUSE The law regarding child or vulnerable adult abuse (§ 13-3623) is substantially rewritten. Included in the definition of endangered and abuse are circumstances in which a child or vulnerable adult is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or

	<p>equipment is possessed by any person for the purpose of manufacturing a dangerous drug. Manufacture of dangerous drugs is added to the dangerous drug offenses that constitute first degree murder if the death of a person is caused. The definition of "threshold amounts" is expanded to include the liquid suspension of methamphetamine.</p>
<p>CHAPTER 59 HB 2209 Go to full text</p>	<p>ARIZONA CRIMINAL JUSTICE COMMISSION The members of the Arizona Criminal Justice Commission (which includes the Administrative Director of the Administrative Office of the Courts) may appoint a designee to serve in place of the member. The commission's spending authority is expanded for the purpose of enhancing efforts to investigate, prosecute and adjudicate serious offenses, as defined in § 13-604. If a crime victim is paid money from the victim compensation fund administered by the commission, the fund is subrogated to the victim's rights against the criminal.</p>
<p>CHAPTER 67 HB 2485 Go to full text</p>	<p>ADMISSION TICKETS It is a class 1 misdemeanor to forge, alter or possess, with intent to defraud, any ticket or token for admission to any sports, amusement, concert, or other facility that offers services to general public.</p>
<p>CHAPTER 86 SB 1132 Go to full text</p>	<p>HOME INSPECTORS It is a class 1 misdemeanor to forge, alter or possess, with intent to defraud, any ticket or token for admission to any sports, amusement, concert, or other facility that offers services to general public.</p>
<p>CHAPTER 88 SB 1230 Go to full text</p>	<p>ARIZONA STATE LIBRARY Numerous statutes are amended to reflect that the name of the Department of Library, Archives and Public Records is changed to Arizona State Library, Archives and Public Records. The change is noteworthy for various statutory notification requirements under §§ 12-120.09 (clerks of the court of appeals), 12-202.01 (clerk of the supreme court), 12-282 (clerks of the superior court) 22-124 (justices of the peace), and 22-428 (municipal court judges). Statutes regarding admissibility in court of duplicate records maintained by the Department of Motor Vehicles are amended but not substantively changed. It is a felony to destroy or dispose of public records.</p>
<p>CHAPTER 90 SB 1302 Go to</p>	<p>CHARTER SCHOOLS A number of statutes relating to charter schools are amended, including the addition of a new section of law (§ 13-1816) making it a felony to commit misappropriation of charter school monies. A person misappropriates if without</p>

full text	<p>authority and with intent to defraud monies provided by the state under a charter school contract are converted in a manner that does not further the purposes of the charter and is not reasonably related to the business of charter schools.</p>
<p>CHAPTER 111 SB 1202 Go to full text</p>	<p>ATHLETIC TRAINERS The state Board of Athletic Training, is newly established to license and regulate athletic trainers. A person who engages in an activity requiring a license or who uses the title or representation of athletic trainer is guilty of a class 1 misdemeanor. It is also a class 1 misdemeanor for a person or business entity to use the words "athletic trainer" or abbreviations associated with this occupation unless athletic training service are provided or supplied by or under the direct supervision of a properly licensed person. The appropriate county attorney or the attorney general may apply to the court for injunctive relief to prohibit violations of the new law. Decisions of the licensing board are subject to judicial review.</p>
<p>CHAPTER 119 SB 1307 Go to full text</p>	<p>RANDOM GUNFIRE Referred to as "Shannon's Law," this legislation elevates from a class 2 misdemeanor to a class 6 felony the discharge of a firearm within city limits, but specifies that the discharge must be with criminal negligence. However, unless the dangerous nature of the felony is charged and proven, statutory authority (§ 13-702(g)) permitting the court to enter judgment of conviction as a class 1 misdemeanor applies. The existing list of exemptions from the discharge law is expanded to include firing blanks, firing more than one mile from an occupied structure and firing in self defense or defense of another person against an animal attack. Effective April 3, 2000.</p>
<p>CHAPTER 125 SB 1427 Go to full text</p>	<p>AWARD OF FEES AND EXPENSES The authority of the court to award fees and expenses to a prevailing party in an action brought against the state or a city or town is expanded to include actions challenging the adequacy or regularity of notice of delinquent taxes and the regularity of sales of property for delinquent taxes. The requirement that the sheriff give notice of the sale of property seized for tax delinquency is amended. In addition to posting notices, the sheriff either must make service personally or by registered mail. Notice no longer must be made at least five days before the sale; instead the sale may not occur until at least three weeks after the notice is served or after receiving confirmation of receipt of a mailed notice. If the court determines notice was not given as required, the property sale is void, the owner may redeem the property and the court may award fees and other expenses associated with adjudication to the owner.</p>
<p>CHAPTER 135 HB 2340</p>	<p>STATE CONTRACTING SERVICES A new chapter added to the title of law governing state buildings and improvements establishes a comprehensive system for procuring architect,</p>

<p>Go to full text</p>	<p>contracting and engineering services. The attorney general is mandated to bring a civil action to enjoin any threatened or pending violation of the chapter. Any person (including officers, contractors and subcontractors of the state or a political subdivision) violating the chapter is guilty of a class 2 misdemeanor. Effective April 4, 2000.</p>
<p>CHAPTER 140 SB 1146 Go to full text</p>	<p>UNSOLICITED TOBACCO PRODUCTS It is unlawful to deliver or cause to be delivered to any residence in the state tobacco products unsolicited by at least one adult residing at the address. Knowing violation is a class 2 misdemeanor and may be subject to a civil penalty of up to \$5,000 per violation. The attorney general is authorized to bring an action to recover the civil penalty, with awards to be deposited in the state general fund. Identical provisions were also enacted as a part of Chapter 366, effective April 24, 2000.</p>
<p>CHAPTER 141 SB 1266 Go to full text</p>	<p>DEFERRED PRESENTATION COMPANIES A deferred presentment licensing program is created in the banking code to license and regulate companies (sometimes called payday-loan companies) that loan money by accepting checks that are held for at least five days before presentment for payment or deposit. The new law is not applicable to banks and other financial institutions. A person that provides deferred presentment services without a license is guilty of a class 1 misdemeanor. A licensee that violates the law or the rules adopted under it is subject to license revocation and is guilty of a class 1 misdemeanor. Effective April 4, 2000.</p>
<p>CHAPTER 143 SB 1316 Go to full text</p>	<p>PROHIBITED WEAPONS POSSESSOR The definition of "prohibited possessor" of a weapon is revised to exclude persons serving a term of probation for certain misdemeanor offenses. Only probationers convicted of a domestic violence offense (most of which are misdemeanors) or a felony are now prohibited from possessing specified weapons.</p>
<p>CHAPTER 147 SB 1502 Go to full text</p>	<p>COSMETOLOGY Effective April 4, 2000, it is a class 1 misdemeanor for a person to ignore or fail to comply with a subpoena of the Board of Cosmetology.</p>
<p>CHAPTER 160 HB 2472 Go to</p>	<p>RETAIL THEFT Increases the penalty for shoplifting and identifies new types of criminal activities related to shoplifting. Also requires retailers and merchants to keep records of their transactions.</p>

full text	
CHAPTER 168 HB 2128 Go to full text	UNCLAIMED VICTIM RESTITUTION Requires the Department of Revenue to deposit unclaimed victim restitution monies in the victim compensation and assistance fund for the purpose of establishing, maintaining and supporting programs that compensate and assist victims of crime.
CHAPTER 172 HB 2660 Go to full text	BUSINESS ENTERPRISE FINES Amends the process of assessing a criminal fine on an business enterprise for a violation of law. The maximum fines that may be imposed on enterprises is expanded to provide that the judge must impose as a presumptive fine the median of the maximum fine allowed. If the actual fine deviates from this presumptive fine, the decision must be based on evidence and other listed factors (e.g. prior misconduct, role of enterprise directors, etc.). Explanation of the deviation is also required. If the offense violated a court order, was malicious or endangered health, the fine can be quintupled. If the enterprise had a working crime-detection program in place, the fine must be reduced 25 percent. Note: Not all changes apply to sentences for misdemeanor violations that are prosecuted in justice court or municipal court.
CHAPTER 173 HB 2066 Go to full text	SHOPPING CART RETRIEVAL This chapter prohibits the unauthorized removal of a shopping cart from the premises of a retail establishment and prescribes the manner for the impoundment and retrieval of shopping carts. The law is applicable only to shopping carts that have a permanently affixed sign identifying the owner of the cart, the procedure for authorized removal, the telephone number and address of the owner, and specifying that the unauthorized possession or removal of the cart is a violation of the law. Any violation is a class 3 misdemeanor.
CHAPTER 189 HB 2428 Go to full text	COMPUTER CRIMES Modernizes Arizona's criminal code regarding the use of computer technology and the Internet in crimes related to fraud, identity theft, unauthorized access into computer systems, the dissemination of proprietary and security information and sex crimes. Increases some criminal penalties and creates new crimes of luring a minor for sexual exploitation, unlawful possession of an access device and unauthorized release of proprietary information.
CHAPTER 191 SB 1048 Go to	MENTAL HEALTH TREATMENT DECISIONS A surrogate is authorized to make mental health care treatment decisions for an incapacitated person, including admission to a level one behavioral health facility under certain conditions. An agent with a health care power of attorney

full text	<p>may make mental health care decisions if the principal is incapable, but express authority to admit a principal to a level one behavioral health facility must be stated in the health care power of attorney.</p>
<p>CHAPTER 210 HB 2242 Go to full text</p>	<p>ELECTRONIC NOTARIES A comprehensive act, mirroring the present notary public law, establishes electronic notaries public to be appointed by the Secretary of State to provide electronic notarial acknowledgment of electronic documents (i.e., digital, magnetic, wireless, optical, electromagnetic or similar). Guidelines and requirements for electronic notarization and for the appointment and conduct of electronic notaries are included. It is a class 6 felony for an electronic notary to omit prescribed notices from advertising materials.</p>
<p>CHAPTER 226 SB 1559 Go to full text</p>	<p>SCHOOL SAFETY The acts constituting interference with or disruption of an educational institution are redefined and do not need to be directed at a specific individual, educational institution or the property of an educational institution. Additional prohibited acts include threatening to cause physical injury to any employee of an educational institution or any person attending an educational institution and threatening to cause damage to any educational institution, the property of any educational institution, the property of any employee of an educational institution or the property of any person attending an educational institution. The court may order offenders to make restitution and the parents and guardians of juvenile offenders to make restitution if a juvenile offender is unable to pay. Interference with or disruption of an educational institution is a class 1 misdemeanor. If property or damage is threatened the act is a class 6 felony. Effective April 10, 2000.</p>
<p>CHAPTER 227 HB 2097 Go to full text</p>	<p>LASER POINTERS A person knowingly aiming a laser pointer at a peace officer is guilty of a class 1 misdemeanor.</p>
<p>CHAPTER 256 SB 1214 Go to full text</p>	<p>REGULATION OF CONTRACTORS A person criminally convicted of contracting without a license is not eligible to obtain a contractor's license from the state Registrar of Contractors for one year after the date of the last conviction. Interest may be paid on amounts paid to claimants from the residential contractor's recovery fund only if ordered by a court of competent jurisdiction. Penalties provided for misdemeanor violations committed by a contractor under § 32-1164 are increased from \$500 to \$1,000 for a first violation and from \$750 to \$2,000 for a second or subsequent violation.</p>

<p>CHAPTER 269 HB 2013 Go to full text</p>	<p>VICTIM'S RIGHTS The Victims' Rights Implementation Act is expanded to permit vulnerable adult crime victims the right to be represented by a family member or court appointee in civil, criminal, delinquency or dependency cases. Prosecutors also are given discretion to disclose to all victims certain information regarding grand jury proceedings and regarding criminal indictments, information or complaints prior to a defendant's arrest or summons to court. A definition of "release" added to §§ 8-382 and 13-4401 means no longer in custody of the custodial agency and includes transfers from one custodial agency to another. This expands the scope of information a victim may be notified of.</p>
<p>CHAPTER 295 SB 1257 Go to full text</p>	<p>RADIO TRAFFIC RECORDS The records and recordings of public safety radio traffic calls are admissible without the testimony of a custodian of records in any action, so long as accompanied by a statutorily prescribed form. The records and recordings and any copies that comply are deemed to be authenticated pursuant to Rule 901(b)(10) of the Arizona Rules of Evidence.</p>
<p>CHAPTER 324 HB 2153 Go to full text</p>	<p>DISPENSING OPTICIAN LICENSE VIOLATIONS It is a class 1 misdemeanor to hire, procure or induce a person to act as a licensed dispensing optician if the person is not licensed as a dispensing optician.</p>
<p>CHAPTER 326 HB 2381 Go to full text</p>	<p>LOTTERY TICKET SALES The statute making it a class 3 misdemeanor to sell a lottery ticket or lottery share to person under eighteen years of age is amended to eliminate language permitting the gift of a lottery ticket or share by a person over eighteen to a person under eighteen. Until June 1, 2003, it is a petty offense for a person under eighteen years of age to purchase knowingly a lottery ticket or share. Beginning June 1, 2003, it is unlawful for a person under twenty-one years of age to purchase a lottery ticket or share. It is a class 3 misdemeanor for a licensed agent to sell a lottery ticket or share to a person who uses either a public assistance voucher issued by any public entity or an electronic benefits transfer card issued by the Department of Economic Security. It also is unlawful to sell a ticket or share during the same transaction in which a person uses such a voucher or transfer card.</p>
<p>CHAPTER 350 HB 2557 Go to</p>	<p>TOBACCO SALES It is a class 3 misdemeanor to manufacture, sell or distribute in this state a package or container that contains fewer than twenty cigarettes or packages of roll-your-own tobacco containing less than six-tenths of an ounce of tobacco.</p>

full text	<p>Exceptions are provided for the manufacture of products for out-of-state sale and manufacture or for sale or distribution of products for use only at a bar that admits only people of at least twenty-one years of age.</p>
<p>CHAPTER 366 HB 2658 Go to full text</p>	<p>UNSOLICITED TOBACCO PRODUCTS</p> <p>It is unlawful to deliver or cause to be delivered to any residence in the state tobacco products unsolicited by at least one adult residing at the address. Knowing violation is a class 2 misdemeanor and may be subject to a civil penalty of up to \$5,000 per violation. The attorney general is authorized to bring an action to recover the civil penalty, with awards to be deposited in the state general fund. Identical provisions also were enacted by Chapter 140. This chapter also enacts the model escrow accounts statute described in the master settlement agreement with tobacco companies made between the Arizona and tobacco product manufacturers on November 23, 1998. Effective April 24, 2000.</p>
<p>CHAPTER 373 SB 1353 Go to full text</p>	<p>DNA TESTING</p> <p>A person sentenced for a felony offense may request the forensic DNA testing of any evidence in the possession or control of the court or the prosecution that is related to the investigation or prosecution that led to the conviction and may contain biological evidence. If a DNA test request is made, the state must create an inventory of, and preserve, the evidence in the case. The court may impose sanctions if the state knowingly and intentionally destroys evidence after being ordered to preserve it. Circumstances are specified in which the court must or may order DNA testing. If the court orders testing it also must direct the method and responsibility for testing costs and may compel the requesting party to pay. Legal counsel may be appointed for the requesting party during the DNA proceedings. If testing is ordered, the court must select a laboratory to conduct the testing that meets certain standards. For any test ordered, laboratory reports, including underlying data and notes, must be furnished to all parties. The court also may direct that reports and data be furnished to parties if the prosecutor or defense previously has subjected evidence to DNA testing. If the results of the post-conviction DNA testing are favorable to the requesting party, the court shall order a hearing and make any further required orders. The group of felons from which county probation departments and state and county incarceration facilities must acquire DNA samples is expanded. Within prescribed time periods, the Department of Corrections, county jails, county probation departments and the Department of Juvenile Corrections (DOJC) are required to collect DNA samples from persons their custody that have committed, or attempted to commit certain crimes. The compact administrator for the Interstate Compact on Juveniles is required to request that the sending state impose a duty on the juvenile to submit to DNA testing if adjudicated for listed crimes. If the sending state does not comply, the DOJC is required to request from the sending state a blood sample for DNA testing for archiving by the Department of Public Safety.</p>

<p>CHAPTER 376 HB 2095 Go to full text</p>	<p>STATE REGULATION OF FIREARMS For purposes involving misconduct involving weapons (§ 13-3102), "public establishment" means a structure, vehicle or craft owned, leased or operated by the state or a political subdivision and "public event" means a specifically named or sponsored event of limited duration conducted by either a public or private entity. New privileges and prohibitions are created within § 13-3108 (firearms regulated by state). Violations are class 2 misdemeanors unless the political subdivision designates a lesser classification by ordinance.</p>
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FAMILY LAW

Chapter Number	Description
<p>CHAPTER 13 SB 1191 Go to full text</p>	<p>MARITAL DEBTS In all actions for dissolution of marriage or legal separation a notice must be provided to the petitioner and served on the respondent advising that a court order regarding disposition of property may not bind creditors. Within thirty days of a written request, creditors of parties to a dissolution or separation action must provide the balance and account status of any debts of either or both spouses. On request of a party, the court may order a credit reporting agency to release the credit report of the non-requesting party. Parties may be required to submit a proposed joint debt distribution plan (or separate plans if the parties can not agree) indicating how creditors are to be paid and outlining any agreements between the parties to pay community debts or agreements with creditors by which one spouse assumes sole responsibility for a community debt. The court's orders related to property distribution must reflect the debt distribution plan approved by the court. A party who fails to comply with the court's orders to pay community debts may be sanctioned. Actions to enforce court orders to pay debts are subject to a two-year statute of limitations.</p>

<p>CHAPTER 42 SB 1345 Go to full text</p>	<p>CUSTODY AND VISITATION The child custody law (§ 25-403) is extensively modified to include provisions regarding domestic violence. There is a rebuttable presumption that it is contrary to the best interests of the child to award custody to a parent who has committed an act of domestic violence against the other parent. The presumption does not apply if both parents have committed an act of domestic violence. A parent who is found to have committed an act of domestic violence must prove that visitation will not endanger the child or significantly impair the child's emotional development. If the parent meets this burden, the court must place conditions on visitation that best protect the child and the abused parent from further harm. The court may increase by up to two years the maximum sentence otherwise authorized if a defendant commits a felony</p>
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against a pregnant victim and has knowledge of the pregnancy.

CHAPTER DOMESTIC VIOLENCE TASK FORCE

122
SB 1303
[Go to full text](#)

A 20-member domestic violence and sexual assault state plan task force is established consisting of legislators, representatives of state and local governmental organizations, law enforcement, the legal community, and domestic violence advocacy groups, including the director of the Administrative Office of the Courts. The task force is charged with developing a consolidated state plan to ensure coordinated and efficient use of resources to address domestic violence and sexual assault prevention, prosecution, and supportive services to victims. A report must be submitted to state leaders by December 1, 2000. The Department of Economic Security also is required by September 1, 2000, to report to state leaders and the task force on baseline cost-effectiveness information and other recommended outcome measures that should be developed.

CHAPTER GENETIC TESTING

149
HB 2041
[Go to full text](#)

Confidentiality requirements are imposed in genetic testing and information derived from genetic testing and tests may be performed on unemancipated minors only with the consent of a parent or guardian. The definition of "genetic testing" specifically excludes tests for HIV, tests used in a criminal investigation or prosecution or as a result of a criminal conviction, and tests to determine paternity under the domestic relations law.

CHAPTER SELF-EMPLOYED OBLIGOR

150
HB 2059
[Go to full text](#)

On a showing of good cause, a judge can compel a self-employed parent who is at least ninety days in arrears on a child support obligation to forward as much as six months of support to the Department of Economic Security (DES) to hold as security and use to pay missed payments. In a child support establishment case, if at least one parent is self-employed, the court may require the parties to meet with a federally authorized tax practitioner, who will review the accuracy of the self-employed person's records and submit a written report to assist the court in setting the amount of support.

CHAPTER CHILD CUSTODY

215
HB 2305
[Go to full text](#)

Effective December 31, 2000, the Uniform Child Custody Jurisdiction Act is replaced by the Uniform Child Custody Jurisdiction and Enforcement Act, promulgated by the National Conference of Commissioners on Uniform State Laws. The new Act conforms with federal law on parental kidnaping, establishes enforcement mechanisms not in the present uniform act and clarifies when a state has both initial jurisdiction to grant and subsequent continuing exclusive jurisdiction to modify a child custody order. The procedural requirements of A.R.S. § 25-411, by which the judge may

	summarily deny a petition unless adequate cause for a hearing is demonstrated, do not apply to a petition for modification or clarification of visitation.
CHAPTER 312 SB 1286 Go to full text	CHILD SUPPORT Omnibus legislation combining several introduced bills regarding child support, including provisions originally proposed by the state child support agency and by the Child Support Coordinating Council Subcommittee of the legislature. Session law establishing the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee is codified and continues these groups until the end of 2007. In a title IV-D support case, a parent required to provide health insurance must furnish the child support agency with information about coverage and, where support has been ordered, the right to receive support may transfer to a caretaker. Jury trials are not required in administrative appeals of child support matters. Worker's compensation benefit payments may be assessed to meet child support obligations. In furtherance of centralized support payment processing, authority to receive payment processing fees (previously referred to in statute as annual handling fees) is transferred from the clerks of court to the support payment clearinghouse. The order in which those fees may be deducted from support payments is prioritized. The court may suspend interest on a child support judgment if the requesting party is incarcerated or incapacitated.
CHAPTER 331 SB 1306 Go to full text	DOMESTIC VIOLENCE SHELTERS The cap of \$100,000 per fiscal year on grant funds that may be received by a domestic violence shelter from the state domestic violence shelter fund is removed. To be eligible to receive funds, a shelter must provide crisis interventions and advocacy and support services to victims and must provide information and referrals for community-based services. The Department of Economic Security is required, after consultation with a state coalition against domestic violence, to develop a weighted methodology for allocating funds.
CHAPTER 347 HB 2506 Go to full text	DIVISION OF LIQUID ASSETS A party to an action for dissolution of marriage, legal separation or annulment may request an equal division of the liquid assets of the marital property. Upon petition and absent good cause to the contrary, the court must equally divide the liquid assets that existed as of date the petition for divorce, separation or annulment is served on the other party. "Liquid assets" are defined as cash, traveler's checks, cash in financial institutions and lottery winnings.
CHAPTER 356	MARITAL COMMUNITY Language pertaining to division of marital property in an action of legal

<p>SB 1338 Go to full text</p>	<p>separation is eliminated. The change was required by 1998 legislation providing that community property ceases to accrue when the petition in an action for dissolution of marriage, legal separation or annulment is served on the non-filing spouse.</p>
<p>CHAPTER 357 SB 1339 Go to full text</p>	<p>SUPERIOR COURT FEES The fee paid by a party filing the petition or response in an action for dissolution of marriage, legal separation or annulment is increased from \$50 to \$65 in those counties that have established a conciliation court.</p>
<p>CHAPTER 361 HB 2126 Go to full text</p>	<p>DOMESTIC VIOLENCE Substantive and technical amendments are made to protective order statutes. Law enforcement, or the constable in the justice court, may serve an injunction against harassment when requested by the plaintiff. Advance payment of fees for service may not be assessed but if fees have not been waived, the serving agency may assess actual fees for service against the plaintiff. A court may not require the petitioner in an injunction against harassment case to perform community service as a condition of waiving fees. Correctional officers, when acting in their official capacity, may serve orders of protection and injunctions against harassment. The definition of domestic violence now includes aggravated domestic violence (§ 13-3601.02) and surreptitiously photographing, videotaping, filming, or digitally recording a person (§ 13-3018). The relationship that may allow a crime to constitute domestic violence includes relationships established by court order for the same parties presently referred to in statute who are related by blood. Step-parents and step-grandparents are included within the relationship, as are children who have a relationship to the defendant similar to the relationship of other victims. The written notice provided to a defendant found guilty of a domestic violence offense but diverted to probation or intensive probation must inform that after conviction of a second offense, a third charge may be filed as a felony and, if conviction results, a term of incarceration will result. A judge may waive the requirement that a misdemeanor domestic violence offender complete a domestic violence offender treatment program if the offender has previously been ordered to complete an offender treatment program and the court deems alternative sanctions more appropriate. Only second-time misdemeanor domestic violence offenders may be placed on supervised probation. The prior misdemeanor conviction must be of an offense committed after January 1, 1999. The maximum probation term of twelve months for these offenders is eliminated because statute currently authorizes the court to sentence an offender to a probation term of up to three</p>

years. The list of aggravating circumstances that a court must consider when sentencing a person convicted of second degree murder or for certain first-time felony convictions is expanded to include domestic violence offenses committed in the presence of a child.

The court may authorize a defendant in an order of protection case granting the plaintiff the exclusive use of the parties' residence to return to the residence on one occasion with law enforcement to retrieve belongings. When accompanying defendants during a return to the residence, law enforcement officers are provided with limited immunity from liability. A limited jurisdiction court may hear all matters related to an ex parte order of protection even if there is a pending action in the superior court, provided that the defendant requested the hearing before the court receives notice that there was an action filed in superior court.

CHAPTER 370 DOMESTIC VIOLENCE DEFINITION

SB 1173
[Go to full text](#)

The relationship necessary for certain criminal acts to be considered domestic violence no longer requires that persons who are cohabiting or who have cohabited in the past be of the opposite sex. Children are afforded additional protection from domestic violence by including within the relationship any child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

JUVENILE

Chapter Number	Description
<p>CHAPTER 29 SB 1024 Go to full text</p>	<p>JUVENILES AND JUVENILE HEARING OFFICERS The Arizona Department of Juvenile Corrections (ADJC) retains jurisdiction over a juvenile convicted of a felony offense while in an ADJC secure care facility who is placed on adult probation. The juvenile may be discharged from ADJC if prescribed conditions are met. The court may impose a term of probation longer than one year for a sexual offenses or sexual exploitation of children. The court, after considering the nature of the offense and the age, physical and mental condition and earning capacity of an adjudicated juvenile, shall order the juvenile to make full or partial restitution to the victim of the offense for which the juvenile was adjudicated delinquent or to the estate of a deceased victim. Restitution payments are made to the clerk of the court for disbursement to the victim or estate. If a juvenile fails to appear pursuant to a citation or an order to appear or if on disposition fails to comply with any court order, a juvenile hearing officer must order suspension of the juvenile's driver license or privilege to drive or direct that a driver's license not be issued or renewed or the privilege to drive restored until the juvenile reaches eighteen years of age or appears in court as directed or complies with the court's order. At</p>

the time the court issues an order to appear or other order, the court must inform a juvenile that failure to appear or failure to comply with an order will result in suspension of driving privileges. When a juvenile fails to appear for a hearing before a juvenile court hearing officer the case may no longer be referred back to the juvenile court for further action.

Specific time frames are provided for acts of juvenile hearing officers. A juvenile hearing officer must notify the juvenile court within five days that a juvenile has been charged with an offense and shall list the charges. A copy of the citation and the hearing officer's findings and disposition must be transmitted to the juvenile court within five days after disposition.

CHAPTER CPS CENTRAL REGISTRY

75
SB 1134
[Go to full text](#)

The requirements for the Child Protective Services Central Registry maintained by the Department of Economic Security are revised to limit the registry to reports of child abuse and neglect that are substantiated and outcomes of the investigation of these reports. Information in the registry may be used only for specified purposes (e.g., background checks for licensing of foster-homes). A new section (§ 8-804.01) governs maintenance of reports. An inadvertent repeal of the central registry that was part of a 1997 act is itself repealed.

CHAPTER CHILD CARE FACILITIES

77
SB 1183
[Go to full text](#)

Several changes are made to licensing and certification requirements for child facilities and group homes. Individuals awaiting trial on, convicted of or who have admitted in open court or pursuant to a plea agreement to committing sexual abuse of a minor, incest, murder and other named crimes are forbidden from working in a child care facility. For other listed crimes, such persons are not permitted to be employed in a child care facility without direct visual supervision unless a fingerprint clearance card had been obtained. Similar prohibitions are included for child care group homes. Records maintained by the Department of Health Services (DHS) for child care facilities and group homes are available to the public, but personally identifiable information relating to a child, parent or guardian is confidential and accessible only by court order, written consent of the parent or guardian or for official law enforcement or governmental use. DHS is required to notify prosecutors and seek an immediate restraining order and injunction when it believes a group home is operating under conditions that may cause serious harm to children.

CHAPTER JUVENILE COMPETENCY

107
SB 1083
[Go to full text](#)

Statutes by which the mental competency of a juvenile accused of a crime is judged are revised and expanded. Existing cross-references to criminal-code competency statutes are replaced with actual text of the statutes. The provisions relating to restoration for "dangerous juveniles" are repealed. The court is authorized to order any juvenile into a competency restoration period for up to 240 days (8 months) rather than ordering dangerous juveniles to a competency

restoration program for up to 21 months. The list of offenses currently considered by the court when dismissing charges against the juvenile either with or without prejudice is changed. Instead of referring to "serious offenses" listed in §13-604, dismissal is now based on whether the charge requires or permits transfer to adult court. If a juvenile's competency has not been restored, the court *must* dismiss with prejudice a misdemeanor charge, *may* dismiss with prejudice a charge that does not require or permit a juvenile to be transferred to adult court, and *must* dismiss without prejudice a charge that does require or permit a juvenile to be transferred to adult court. The privilege against self-incrimination is expanded to include statements made by the juvenile to treatment providers during treatment to restore competency and to the juvenile's court-appointed guardian ad litem. Any statement made by a juvenile to treatment providers during treatment is not subject to disclosure. Added provisions allow the court to dismiss any misdemeanor charge if the juvenile has been adjudicated incompetent within the past year and continues to be incompetent. The court may order the initiation of civil commitment proceedings or may appoint a guardian ad litem to proceed with a dependency investigation. The process for sealing *all* reports relating to a juvenile's competency is clarified. The court clerk must seal and file the original report submitted by the mental health expert and defense counsel must receive a copy of the report. Defense counsel may redact the report and provide redacted copies to the state and the court. If the court orders a report opened for the purpose of statistical analysis or scientific study, the report shall be anonymous. Reports submitted to the court by mental health experts must indicate the expert's opinion regarding the possibility of restoration to competency within the maximum allowable time frame and whether removal from medications might affect the juvenile in the process. The duties of a guardian ad litem appointed by the court for a juvenile ordered to participate in a competency restoration program are clarified. The guardian ad litem shall coordinate the continuity of care following restoration and advise the court on the appropriateness of the treatment program. Any request to the court for determination of a juvenile's competency must state facts in support of the request. Absent a stipulation, the court is required to appoint two or more mental health experts to examine the juvenile, at least one of which must be a licensed psychiatrist. Experts are immune from liability except for intentional, wanton or grossly negligent acts. The competency examination may consist of psychological, physical or neurological tests. The county is responsible for the cost of any court-ordered competency examination, unless ordered by a municipal court judge, in which event, the political subdivision pays. When a juvenile's sanity is at issue, the court shall not appoint a mental health expert to conduct an examination until receiving the juvenile's court, medical and educational records.

CHAPTER ADOPTION

**155
HB 2406**

Changes in adoption statutes eliminate adoption consent from a man excluded as the father, conform temporary custody and certification exemptions, allow

<p>Go to full text</p>	<p>updated certification studies, modify adoption consent requirements, allow flexibility in scheduling and consolidating juvenile court hearings, expand procedures to ensure compliance with the Indian Child Welfare Act, and clarify and expand notice of hearing requirements. A custody hearing is not required if the adoptive parent is a court-appointed guardian. If an application for certification has not been filed before a custody hearing, the court shall order an application be filed within 30 days after the hearing date. If a child is a ward of the court, a petition to adopt must indicate that written consent to adopt has been given by the division or the agency having custody of the ward or state the reason consent has not been given.</p> <p>A child placed in an adoptive home by any agency or by the Department of Economic Security (DES) shall not be removed from the home except on order of the juvenile court. An agency or DES may request a hearing for removal. Pending the final adoption hearing, a child is subject to further investigation by DES, an officer of the court or an agency. Mandatory time periods and reasons for postponement of a hearing on the petition are set forth.</p>
<p>CHAPTER 183 SB 1290 Go to full text</p>	<p>KINSHIP FOSTER CARE</p> <p>The Department of Economic Security (DES) is required to establish kinship foster care services for a child who has been removed from the child's home and is in DES custody. The program is intended to promote the placement of a child with the child's relative for kinship foster care. On or before January 1, 2001, DES must implement a pilot program for kinship care in at least two locations in this state; one location in a county with a population of at least one million two hundred thousand persons. The goals of the program include streamlining existing services and referrals, preserving families and enabling families to sustain support for a child who cannot live with the child's parents. Under the pilot program, DES must develop separate administrative rules, policies and procedures for kinship foster care parents and report on specified outcome evaluation data on January 1, 2002 and 2003. The Auditor General must evaluate the pilot program and prepare an outcome evaluation report by June 30, 2002.</p>
<p>CHAPTER 236 HB 2359 Go to full text</p>	<p>SPECIAL EDUCATION</p> <p>Language allowing foster parents to petition the court to receive an appointment to serve as a surrogate parent for a handicapped child (now called a child with a disability) is removed from statute. Persons who petition to become surrogate parents must have a valid class one fingerprint clearance card. By January 1, 2002, all persons currently serving as surrogate parents must obtain a class one fingerprint clearance card. Effective April 12, 2000.</p>
<p>CHAPTER 247 SB 1296 Go to</p>	<p>PARENTAL CONSENT FOR ABORTION</p> <p>It is a class 1 misdemeanor to perform an abortion on an unemancipated minor unless the attending physician has secured written consent from one of the minor's parents or the minor's guardian or unless a judge has ordered the</p>

[full text](#)

abortion after determining that the minor is mature and capable of informed consent. Parental consent or judicial authorization is not required if the doctor certifies that abortion is needed to save the minor's life or prevent serious risk of substantial impairment, or if the pregnancy resulted from sexual contact with a parent, step-parent, uncle, grandparent, sibling, adoptive parent, legal guardian, foster parent or any person who lives in the same house as the minor and the minor's mother. Court proceedings are confidential and have precedence over other pending matters. A judge who conducts the proceeding must make specific, written factual findings and legal conclusions supporting the decision and shall order a confidential record of the evidence to be maintained that includes the judge's findings and conclusions.

CHAPTER FINGERPRINT CLEARANCE CARD

251
SB 1407
[Go to full text](#)

A number of changes are made to statutes regarding fingerprint clearance cards issued to persons who work with children and developmentally disabled persons. Clearance cards issued to persons who pass a screening process allow the holder, until the card expires three years later, to change jobs among participating state agencies without having to be re-fingerprinted and be subject to a further criminal background check for each new job. Changes impact the Administrative Office of the Courts and various state agencies. The statute governing the juvenile probation services fund is amended to require that for contracts entered into between the Supreme Court and any contract provider, the Department of Public Safety must be notified when the court receives credible evidence that a person holding a fingerprint clearance card is arrested or charged with specified crimes or has falsified information on the form required to obtain the card. The statute regarding fingerprinting requirements for contractors of the Department of Health Services for children's behavioral health services is rewritten. Other amendments refer to adult developmental home and child developmental foster home licensees, child care and child care group home as well as day care and day care group home personnel and domestic violence shelter workers. The requirement that the Board of Fingerprinting hold a hearing for every request for a good cause exception is removed. A hearing is required only if the Board will deny a good cause exception or if the Board needs additional information to make a good cause determination. A unanimous decision of the Board, not just agreement by Board members who represent agencies serving similar populations, is required to grant a good cause exception. Pending the outcome of a good cause exception determination, the Board may issue a good cause applicant interim approval to continue working. Other provisions clarify that possession, use or sale of marijuana, dangerous drugs or narcotic drugs (not, as presently, only if these crimes are committed on or near school grounds) disqualifies a person from receiving a class one fingerprint clearance card and allow a person who has had a judgment of guilt set aside by a court of competent jurisdiction to receive a clearance card.

CHAPTER JUVENILE GROUP HOMES

<p>270 HB 2113 Go to full text</p>	<p>A new chapter titled "Group Homes for Juveniles" is added to title 36, establishing minimum provisions for all new, renewed or amended contracts for juvenile group homes entered into with group homes directly by state agencies or by behavioral health authorities as a part of subcontracts with state agencies. By January 1, 2000, the Department of Health Services (DHS) is required to establish a central registry of juvenile group homes licensed by the state. "Group home" is defined as a residential facility serving no more than four dependent, delinquent or disabled juveniles at one time that is licensed by DHS or the Department of Economic Security.</p>
<p>CHAPTER 277 SB 1042 Go to full text</p>	<p>SCHOOL ABSENCES A student who has excessive absences from school may be adjudicated an incorrigible child. Absences are excessive when the number of absent days exceeds 10 percent of the required attendance days. Rules developed by school governing boards concerning discipline, suspension or expulsion from school must be consistent with the constitutional rights of pupils.</p>
<p>CHAPTER 285 HB 2400 Go to full text</p>	<p>CHILD WELFARE AND PLACEMENT The recommendations and findings of a local foster care review board regarding children in out-of-home placement must be reviewed by the court and the Department of Economic Security (DES) at the next scheduled hearing in a dependency case and the court must address the findings on the record. Within ten business days of receiving the board's recommendation, DES must advise the board in writing whether the recommendation will be accepted or not implemented. A child's parents and grandparents are permitted to attend the local board's review of a case and may be accompanied by an advocate. Prior to filing a dependency petition, DES must review each removal of a child expected to result in a dependency petition to assess other options. A member of a local foster care review board must be included in the membership of the review team. If a child has medical problems or chronic illness, the team also shall include the child's physician, if available, or another physician. When a child is taken into temporary custody, the written notice provided by the child protective services worker or peace officer now must include a signature line for the parent or guardian to acknowledge receipt and must list reasons for the child's removal as well as services available to the parent or guardian. DES is directed to establish for children removed from home and in its custody foster care services to promote the placement of the child with a relative for kinship foster care. A pilot program for kinship care is created for specified purposes. The agency also is directed to develop a comprehensive kinship foster care program plan for submission to the joint legislative committee on children and family services by November 20, 2000. DES is required to establish a transitional independent living program for dependent persons under twenty-one years old to complement a person's efforts to achieve self-sufficiency and transition to adulthood. The family advocacy office is established within DES to review complaints of individual cases involving the child welfare system and,</p>

	upon request, review the removal of a child before a dependency petition is filed.
CHAPTER 291 SB 1018 Go to full text	DEPARTMENT OF JUVENILE CORRECTIONS The Department of Juvenile Corrections is continued until January 1, 2011. Retroactive to July 1, 2000.
CHAPTER 293 SB 1071 Go to full text	CHILD WELFARE HOUSING ASSISTANCE The Department may provide special housing assistance to achieve permanency for a child who is involved in an open child protective services case, not just for a child who is a ward of the court. Payment of housing assistance allowed is made more flexible by amending the law from \$300 per month for no more than six months to not more than \$1,800 in any six-month period. Retroactive to July 1, 2000.
CHAPTER 345 HB 2449 Go to full text	PARENTAL APPEARANCE Requires a parent, guardian or custodian to accompany their child to juvenile court. If a child has a court hearing, the parent, guardian or custodian must appear. The court may waive this requirement, and shall state on the record reasons for waiving the requirement. A parent, guardian or custodian who has failed to appear in juvenile court will be issued an order by the court to show cause as to why that person will not be held in contempt. The changes also apply to proceedings before juvenile court hearing officers.
CHAPTER 363 HB 2497 Go to full text	JUVENILE DETENTION FACILITY FUNDING A total of \$4.1 million is appropriated to the Administrative Office of the Courts for deposit in the state aid to detention fund established for providing state assistance to counties in maintaining, expanding and operating juvenile detention centers. The sum of \$2.1 million is appropriated from the corrections fund and the remaining \$2 million is transferred from an earlier wastewater treatment project appropriation for the Arizona state prison complex in Douglas. Effective April 24, 2000.
CHAPTER 369 SB 1160 Go to full text	JUVENILE OMNIBUS A new article is enacted, relating to the evaluation, treatment and placement of mentally ill children under the jurisdiction of the juvenile court (repealing § 8-242.01). New statutes provide definitions and comprehensive statewide standards for ordering inpatient and outpatient assessments, inpatient psychiatric acute care and residential treatment services for dependent, delinquent or dually adjudicated children. The legislation was proposed by a multi-disciplinary committee tasked by the Committee on Juvenile Courts.

Exclusive jurisdiction over adoption and dependency proceedings is restored in the juvenile court, except for adult adoption proceedings. The juvenile court may schedule and consolidate permanency, termination of parental rights and permanent guardianship hearings, within certain statutory limits.

In a termination of parental rights case, a copy of the petition must now be served on all parties formerly entitled to notice of the initial hearing. The court shall not consider the first sixty days of initial out-of-home placement as part of the cumulative total period of out-of-home placement constituting grounds for termination. Voluntary placement may now be considered like out-of-home placement as grounds for termination.

At the beginning of any dependency proceeding, the court must inquire whether a child is subject to the federal Indian Child Welfare Act. The petition must include a statement indicating whether the child is subject to the act. The filing party must serve a copy of the petition on any person who has filed for adoption of the child or who has physical custody of the child pursuant to a court order in a foster-adoptive placement. If by a preponderance of the evidence the court finds the allegations in the petition are true, the court must make specified findings as to each parent. If the petition is not so supported, the court must dismiss the petition. The court may adjudicate dependency and proceed to further hearings with respect to one parent or guardian notwithstanding that the other parent or guardian contests the dependency or has not been served.

Following the disposition hearing, the court is required to provide notice to those persons having a right to participate in six-month review hearings. If termination of a parent's rights is at issue, the person ordered to file the termination motion must serve a copy on any person who has filed for adoption of the child or who has physical custody of the child pursuant to a court order in a foster-adoptive placement. Within certain parameters, the court may order or permit the filing of a motion for termination or permanent guardianship before the permanency hearing is held, consolidate hearings or provide for a different order of hearings.

A person who files a motion for permanent guardianship must serve a notice of the hearing and a copy of the petition on any person who has filed for adoption of the child or who has physical custody of the child pursuant to a court order in a foster-adoptive placement. In addition, the notice must be sent by registered mail to any parent, Indian custodian and tribe of an Indian child as defined by the Indian Child Welfare Act.

Several new programs impacting juvenile court proceedings are established. A medical examination pilot project is established in two counties (one rural and one urban) selected by the Department of Economic Security (DES), in which DES must provide a complete medical examination for every child who is the subject of a dependency petition filed by the agency.

At a preliminary placement hearing, the court must review the agency's

arrangements for the examination, efforts to assemble medical records and plans for communication of the medical examination results. In addition, a family group decision making program is created within DES with a variety of goals, including to provide participants with information about departmental and court proceedings. Amendments are made to the law creating the adoption and foster care system improvement committee, that includes two juvenile court judges appointed by the Chief Justice, a current or recent member of the foster care review board and a person who serves as a court appointed special advocate. The principal purpose of the committee is to develop an implementation plan for an administrative adoptive home certification pilot project to replace pre-adoption certification by the court.

CHAPTER SUBSTANCE ABUSE PROGRAM

382
SB 1280
[Go to full text](#)
 The Department of Economic Security and the Department of Health Services are charged to administer a joint substance abuse treatment fund to coordinate provision of community-based services to parents, guardians or custodians and families receiving Temporary Assistance to Needy Families benefits whose substance abuse is a significant barrier to maintaining, preserving or reunifying the family.

PRISONERS AND PROBATIONERS

Chapter Number	Description
<p>CHAPTER 13 SB 1191 Go to full text</p>	<p>PRISONER Except as authorized by the Department of Corrections, it a class 1 misdemeanor for a prisoner to have access to the Internet through the use of a computer, computer system, network, communication service provider or remote computing service. The statute on prisoner correspondence is revised to forbid sending or receiving email and sanctions may be imposed, including denial of earned release credits, if a prisoner corresponds or attempts to correspond with a communication service provider or remote computing service or if any person accesses the provider’s or service’s Internet web site at the inmate’s request.</p>
<p>CHAPTER 104 HB 2374 Go to full text</p>	<p>PRISONER LITERACY With stated exceptions, prisoners who fail to achieve functional literacy at an eighth-grade level before becoming eligible for release to community supervision may not begin the term of supervision until either achieving that level of literacy or serving the full prison term imposed by the court.</p>
<p>CHAPTER 309 SB 1112</p>	<p>SEXUALLY VIOLENT PERSONS Except for medical necessity or conditional release upon court determination, a person detained or civilly committed as a sexually violent person may not be</p>

<p>Go to full text</p>	<p>transported from the Arizona State Hospital (ASH) except for specified purposes. Listed are certain proceedings under the law on sexually violent persons, including probable cause hearings, trials, hearings for conditional release to less restrictive alternate facilities and hearings on discharge petitions. In addition, a detained or civilly committed person may be transported for any evidentiary hearing in which the presence of the person is necessary and for any court proceeding not specified in which the presence of the person is required. The Department of Health Services (DHS) must provide transportation to and from medical facilities. Both DHS and the sheriff are granted immunity for good faith acts involving transportation.</p> <p>The restriction on transportation does not preclude proceedings being held on the grounds of ASH or using a telephonic or video interactive conference device. The court is required to adopt rules for the conduct of proceedings under the sexually violent person statutes. These rules must ensure the safety of all persons and may provide for hearings on state hospital grounds or by remote conferencing device.</p> <p>At any court hearing regarding the conditions of detention, confinement or treatment, the sexually violent person must show that the procedures or actions of the licensed facility have no reasonable basis in fact or law.</p>
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TAX COURT

Chapter Number	Description
<p>CHAPTER 13 SB 1191 Go to full text</p>	<p>ATTORNEYS FEES IN TAX APPEALS</p> <p>The court may award fees and expenses to a prevailing party when the party is a state, city, town or county that has commenced an action to enforce the assessment or collection of taxes.</p> <p>The court may award no more than the prevailing party has paid or agreed to pay or a maximum amount of \$175 per hour. An award of fees against the state, a city, town or county shall not exceed \$30,000 for fees incurred at each level of judicial appeal.</p>

TRAFFIC

Chapter Number	Description
<p>CHAPTER 4 SB 1022 Go to full text</p>	<p>DUI AFFIRMATIVE DEFENSE</p> <p>Eliminates the ability of some BUI, DUI and extreme DUI defendants to have their cases dismissed by proving that the alcohol concentration in their bodies was less than .10 or .18 at the time of driving or being in physical control of a vehicle or motorized watercraft. Only alcohol consumed before or while driving or operating a motorized watercraft may be considered in determining whether the .10 or .18 thresholds have been met. A prosecutor may admit into evidence</p>

	the amount of alcohol consumed even when the defendant did not drive but was in physical control of the vehicle.
CHAPTER 40 SB 1243 Go to full text	OPEN CONTAINER LAW The consumption from or possession of an open container of spirituous liquor is prohibited in a vehicle on any public highway or right-of-way. This provision does not apply to buses, limousines, taxis, or persons in the passenger section of a motor home.
CHAPTER 46 HB 2244 Go to full text	DUI IMPLIED CONSENT Language pertaining to implied consent testing in A.R.S. § 28-1321 (Implied consent; tests; refusal to submit to test; order of suspension; hearing; review; temporary permit; notification of suspension) is inserted in § 28-673 (Traffic accidents; implied consent; tests). A technical error in § 28-673 is corrected by amending the cross-reference to § 28-1321.
CHAPTER 153 HB 2351 Go to full text	IGNITION INTERLOCK DEVICES Persons convicted of extreme DUI are added to the list of offenders that must install an ignition interlock device (IID), as are persons convicted of aggravated DUI as a result of driving under the extreme influence of intoxicating liquor (§ 28-1382) while a person under the age of fifteen is in the vehicle. The responsibility to order installation of an IID is shifted from the court to the Department of Transportation (DOT). The authority to extend the duration of the IID for up to one year for violating IID regulations (§ 28-1464) also is transferred to DOT. The court retains discretion to order a convicted person to equip a vehicle with an IID for more than one year on the conclusion of a license suspension or revocation. The Administrative Office of the Courts is required to submit to the Governor's Office of Highway Safety by September 1 of each year for the previous fiscal year the number of complaints issued charging both DUI and extreme DUI and the number of complaints issued charging either DUI or extreme DUI. Effective October 1, 2000.
CHAPTER 275 HB 2623 Go to full text	VEHICLE WEIGHT VIOLATIONS The penalty for a first conviction of a vehicle weight violation is no longer a misdemeanor. A civil penalty of \$1 is assessed for excess weight of 1,000 pounds or less and a schedule of penalties is prescribed for other violations. A second violation within six months is reduced from a class 2 to a class 3 misdemeanor and a second violation within one year is reduced from a class 1 to a class 2 misdemeanor. A driver is permitted to shift the load, rather than reloading, in order to comply to avoid a citation or penalty.

<p>CHAPTER 276 HB 2625 Go to full text</p>	<p>BICYCLE SAFETY A motorist passing a bicycle traveling in the same direction must exercise due care by leaving a safe distance of not less than three feet between the motor vehicle and the bicycle until safely past the overtaken bicycle. A civil penalty of up to \$500 may be assessed for any violation that results in a collision causing serious physical injury to any person. The violator is subject to a \$1,000 penalty if death results. The law does not apply if the bicyclist is injured in the traffic lane when a designated bicycle lane is present and passable.</p>
<p>CHAPTER 343 HB 2256 Go to full text</p>	<p>TRANSPORTATION A maximum speed limit of 65 miles per hour is established for vehicles pulling a pole trailer or vehicles over 26,000 pounds gross vehicle weight unless the Department of Transportation (DOT) determines on the basis of an engineering and traffic investigation that a higher speed is appropriate. Based on such an investigation, the DOT also may designate a specific lane or lanes of travel for those vehicles. Certain vehicles must be equipped with windshields. It no longer is required for issuance of a driver’s license that a person convicted of a felony within the five years before a criminal records check is complete have completed the entire sentence imposed by a court, including imprisonment, parole, probation or community service.</p>

BILLS THAT FAILED TO PASS

Chapter Number	Description
<p>HB 2003 Go to full text</p>	<p>SALARY RECOMMENDATION REJECTION The Governor’s salary recommendations for justices of the supreme court, appellate court judges and superior court judges are specifically disapproved. The Governor already had reduced the salary recommendations of the Commission on Salaries for Elective State Officers. This action by the House of Representatives would have denied any salary increase to judges.</p>
<p>HB 2524 Go to full text</p>	<p>COUNTY POWERS The county board of supervisors is authorized to determine the classification, salary and allocation of all non-elected personnel positions within the county government, including all judicial branch departments. When the original bill was held in committee, sponsors amended it onto another bill (HB 2526) in an effort to secure passage.</p>
<p>SB 1314 Go to full text</p>	<p>JUDICIAL RETENTION The Secretary of State is required to include in voter publicity pamphlets all public comments submitted to the Commission on Judicial Performance Review and any other public comments on the performance of a justice of the supreme court, a judge</p>

	of the court of appeals or a judge of the superior court seeking to remain in office by retention.
SB 1365 Go to full text	BALLOT PAMPHLETS For justices of the supreme court, judges of the court of appeals and judges of the superior court seeking to remain in office by retention, voter publicity pamphlets must include the report of any organization the legislature contracts with to review judicial performance. A companion bill (SB 1442) established contract authority.
SB 1367 Go to full text	ELECTED OFFICIALS SALARIES The amount of salary increases recommended by the Governor for justices of the supreme court, appellate court judges and superior court judges is reduced. The Governor's recommendations were lower than that proposed by the Commission on Salaries for Elective State Officers.
SB 1442 Go to full text	MONITORING JUDICIAL DECISIONS A legislative committee on judicial decisions is established for the purpose of developing criteria for monitoring decisions of justices and judges who are subject to a retention election. The task of monitoring would be awarded by contract with a report due on or before December 15, 2001. A companion bill (SB 1365) required the report to be included in voter publicity pamphlets. The bill also was offered as strike-everything amendments to SB 1386 and SB 1515.
SCM 1005 Go to full text	COURT APPOINTED PSYCHOLOGISTS Citing a lack of accountability between judges and court-appointed custody evaluators leading to the undermining of public confidence in the impartiality of the courts, several actions are required, including: examination of the process of appointment by the Chief Justice or presiding family law judges; participation by legislators and public members in the examination, and; adoption of a specifically recommended means of appointing custody evaluators.
SCR 1012 Go to full text	CONFIRMATION ON JUDICIAL APPOINTMENTS Voters were requested to approve a state constitutional amendment requiring the Governor to submit for consent of the Senate each nominee to the Supreme Court or as an appellate court judge. Presently, the governor appoints without further action from a list of nominees furnished by the Commission on Appellate Court Appointments. Two amendments to this bill were offered in committee, each proposing additional constitutional provisions. The first allowed the Senate to impeach any justice or judge holding office by appointment or retention, with no stated standards by which to measure conduct. The second permitted the senate to "evaluate" each justice or judge who files a declaration to be retained in office. If disapproved, the name of the justice or judge could not be placed on the election

	ballot.

VETOED

Chapter Number	Description
HB 2316 Go to full text	MENTAL HEALTH TREATMENT PROGRAM An appropriation of \$33 million is made to the Department of Health Services behavioral health division to establish an "assertive community treatment program" for persons with serious mental illness. Before implementing the program, an evaluation of the program's effectiveness is required, including the impact on jail diversion programs.
SB 1538 Go to full text	PSYCHIATRIC MEDICATION FOR CHILDREN A Mental Health Care Study Committee is established to review the use of psychiatric medications, treatments and therapies for children with mental illness and regulatory actions of all state boards that oversee mental health practices. The committee is specifically charged to the committee to recommend a plan for the Department of Health Services (DHS) to review the use of public monies for behavioral health treatments in Arizona that are not scientifically substantiated and, together with DHS and the various boards that regulate mental health practices, to determine the validity and reliability of a treatment or therapy by reviewing scientific journal citations.