

ADMINISTRATIVE AND GENERAL

Chapter Number	Description
CHAPTER 2 HB 2025 Go to full text	STATE EMPLOYEE HEALTH INSURANCE The requirement enacted in 2002 that the State Department of Administration implement a self-insurance program for state employee medical and dental benefits by October 1, 2003 is removed, allowing the agency to self-insure on review of the Joint Legislative Budget Committee. Emergency measure effective February 7, 2003.
CHAPTER 6 SB 1021 Go to full text	UNEXPIRED TERM OF VACANT COUNTY OFFICE A person elected to fill the remainder of an unexpired term of a vacant county office pursuant to A.R.S. § 16-230 may take the oath of office and begin the remainder of the term of office at any time within 90 days after the canvass of the election and thereafter shall remain in office until the person elected takes the oath of office.
CHAPTER 13 HB 2022 Go to full text	INFORMATION TECHNOLOGY AUTHORIZATION COMMITTEE The June 1, 2003 repeal date of the law establishing the Information Technology Authorization Committee (ITAC) is repealed, continuing the committee at least until the July 1, 2006 sunset date enacted in 1998. ITAC oversees information technology resources of all state budget units, including the judicial and legislative branches of state government, and has approval authority over proposed state information technology projects in excess of \$1 million. The Administrative Director of the Courts is a member of ITAC. Emergency measure effective March 28, 2003.
CHAPTER 17 HB 2129 Go to full text	SUBMISSION OF INSTRUMENTS FOR RECORDING A county recorder may accept for recording a digitized image of a recordable instrument if submitted by, among others listed in A.R.S. § 11-461, an active member of the State Bar of Arizona.
CHAPTER 18 HB 2130 Go to full text	TRANSFER OF FILE IN CHILD SUPPORT PROCEEDING An amendment to A.R.S. § 25-502 clarifies that when a request to change the venue of a child support case is unopposed, the clerk must issue a transfer order and transmit the file to the new county, which retains venue and the file for all purposes. The transferring county need not retain a copy of the file.
CHAPTER 22 SB 1262 Go to full text	PUBLICATION OF APPELLATE COURT DECISIONS The Secretary of State no longer is required to distribute volumes of the Arizona Reports to statutorily-prescribed recipients and other requesting entities. Under A.R.S. § 12-108, the Arizona Supreme Court remains responsible for arranging publication but the publisher will ship directly to recipients who pay the shipping cost. Entities previously required to apply to the Secretary of State for volumes now must order directly from the publisher and pay the cost of the volume and shipping.
CHAPTER	SUPERIOR COURT CLERK

<p>33 HB 2239 Go to full text</p>	<p>The population threshold set forth in A.R.S. § 21-131 at or below which the clerk of the superior court acts as the jury commissioner is increased from 200,000 to 500,000 persons. Persons applying to the clerk for a marriage license must provide social security numbers separate from the application affidavit required under § 25-121(B).</p>
<p>CHAPTER 51 SB 1260 Go to full text</p>	<p>DISTRIBUTION OF STATUTES The Secretary of State no longer is required under A.R.S. § 41-123 to supply copies of the Arizona Revised Statutes to each judge and the clerk of the U.S. District Court for Arizona, the U.S. Attorney and U.S. Marshal for Arizona and each senator and representative in Congress from this state.</p>
<p>CHAPTER 65 HB 2206 Go to full text</p>	<p>BEHAVIORAL HEALTH PROFESSIONALS Regulatory oversight by the Arizona Board of Behavioral Health Examiners of behavioral health professionals in the disciplines of social work, professional counseling, marriage and family therapy and substance abuse counseling is converted from voluntary certification to mandatory licensure and various changes are made to the educational and competence requirements for behavioral health professionals. Persons holding valid certificates must be reclassified to licensed status prior to July 1, 2004. Effective July 1, 2004.</p>
<p>CHAPTER 70 HB 2120 Go to full text</p>	<p>BONDS OF ELECTED OFFICIALS The law (A.R.S. § 38-252) requiring county boards of supervisors to obtain a blanket liability bond for all county officers is repealed. Elected or appointed officials and county offices and employees are included among members covered by retention of risk pools counties may contract or agree to under § 11-592.01. Emergency measure effective April 17, 2003.</p>
<p>CHAPTER 80 HB 2498 Go to full text</p>	<p>INTERNET USE BY STATE EMPLOYEES Except as necessary for an approved research project or other approved undertaking, an employee of an agency, including the Judicial Department, shall not knowingly use agency owned or agency leased computer equipment to access, download, print or store any information infrastructure files or services that depict nudity, sexual activity, sexual excitement or ultimate sexual acts as defined in A.R.S. § 13-3501. Agency approvals must be given in writing and made available for public inspection. A violation is cause for discipline or dismissal of the employee and is considered misuse or unauthorized use of state property pursuant to § 41-770. Agencies are directed immediately to furnish current employees a copy of § 38-448 and new employees must be furnished a copy when authorized to use an agency computer.</p>
<p>CHAPTER 84 SB 1261 Go to full text</p>	<p>MOBILE HOME PARKS LANDLORD/TENANT ACT BOOKLET The current Arizona mobile home parks residential landlord and tenant act booklet circulated in some communities by justice of the peace courts will no longer be published by the Secretary of State. Landlords now are required before entering into a rental agreement to provide prospective tenants and make available to all tenants a concise written summary of the Act, approved by the director of the Department of Building and Fire Safety and posted to the web site of the Department and the Secretary of State.</p>

<p>CHAPTER 101 SB 1257 Go to full text</p>	<p>LOYALTY OATH The law making it criminal for officers or employees required by A.R.S. § 38-231 to subscribe to a loyalty oath be a member of the Communist party or any organization advocating overthrow of the government by force is amended by eliminating references to that party or such organizations. It is unlawful knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, to commit or aid in the commission of any act to overthrow the government by terrorism.</p>
<p>CHAPTER 104 HB 2049 Go to full text</p>	<p>STATE AGENCY REPORTS Intended as a revenue reduction measure, this law eliminates or reduces the number of copies of reports various state departments, agencies and boards are statutorily required to prepare. Among things eliminated are the obligation of the State Foster Care Review Board to make annual recommendations regarding foster care statutes, policies and procedures (A.R.S. § 8-515.04), the requirement that the Arizona Supreme Court submit an annual report detailing the status of the Court Appointed Special Advocate Program and the expenditure of all monies appropriated for the program (§ 8-524). In addition, the Administrative Office of the Courts no longer is required to submit an annual report of the utilization of and types of calls received by the parent assistance program, although in this latter case statistical information still must be available to the public on request and on the Supreme Court's web site.</p>
<p>CHAPTER 106 HB 2108 Go to full text</p>	<p>JUDGES' PERSONAL INFORMATION Justices, judges, superior court commissioners, and public defenders are added to the list of persons in Maricopa and Pima counties who may request that the general public be restricted from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and the residential address and telephone number contained in instruments or writings recorded by the county recorder and made available on the Internet (A.R.S. § 11-483) or the residential address and telephone numbers contained in instruments, writings and information maintained by the county assessor and the county treasurer (§ 11-484). It is unlawful for a person knowingly to make available on the world wide web the personal information of a justice, judge, commissioner or public defender if distribution of the information poses an imminent and serious threat and if that fact is reasonably apparent to the person posting the information (§ 13-2401). A person employed by a state or local government entity who knowingly releases the home address or home telephone number of a justice, judge, commissioner or public defender with the intent to hinder an investigation, cause physical injury or damage to the property of the person or the person's immediate family is guilty of a class 6 felony (§ 39-124). The term "justice" is defined to include Justices of the Arizona and United States Supreme Court and justices of the peace. "Judge" includes federal, state and municipal court judges. "Public defender" includes federal public defenders and county public defenders, legal defenders and contract indigent defense counsel as well as assistants in these positions.</p>

	Prosecutors, who previously were protected under these laws, now include United States Attorneys.
CHAPTER 107 HB 2109 Go to full text	CONFIDENTIAL INTERMEDIARIES Reversing a statutory change made last year (Laws 2002, chapter 173, section 3), the minimum age established in A.R.S. § 8-134 at which a person may be contacted by a confidential intermediary is restored to 21 from 18. However, the age at which an adoptee, the progeny of a deceased adoptee or the biological sibling of an adoptee may use the services of a confidential intermediary is lowered from 21 to 18.
CHAPTER 119 SB 1209 Go to full text	DISTRIBUTION OF STATE SHARED TAX REVENUES Cities, towns and counties are provided with optional methods to obtain population estimates for distribution of state shared revenues, including contracting with the U.S. Census Bureau to conduct a sample survey or using a July 2005 population estimate approved by the director of the Department of Economic Security. Currently, statute requires the distribution of state shared revenues to be based on the most recent U.S. decennial or special census.
CHAPTER 121 HB 2017 Go to full text	PARENT EDUCATION PROGRAM FEE The maximum fee that may be charged a parent for attending the Domestic Relations Education on Children’s Issues program is increased from \$30 to \$50. A.R.S. § 25-355 is clarified to state that § 12-302 controls the procedure to request deferral or waiver of the fee.
CHAPTER 132 HB 2023 Go to full text	UNPAID CONTRIBUTIONS TO STATE RETIREMENT if less than the correct amount of employer or member contributions is paid into the Arizona State Retirement System by an employer, within 90 days of being notified of unpaid contributions the employee or employer must make required payments or become responsible for any accrued interest. The initiator of a request for correction of salary history and service credits is responsible for providing credible evidence of past employment and compensation in a form that would lead a reasonable person to conclude that the employee was eligible for membership. Beginning July 1, 2004 , these provisions apply only to adjustments for any unpaid contributions and interest for eligible verified service that occurred less than or equal to 15 years before that date of notification. Eligible service that occurred more than 15 years before the date of notification will be considered public service credit that the member may purchase.
CHAPTER 134 HB 2333 Go to full text	MUNICIPAL COURT SERVICE OF PROCESS Pursuant to rules to be established by the Arizona Supreme Court, an unarmed police aide or traffic investigator appointed pursuant to A.R.S. § 28-627 may serve any process originating out of a municipal court in the municipality in which the person is employed, except process resulting from a citation obtained from photo radar or a red light camera issued for a violation of § 28-701 or § 28-644 or of a city or town ordinance for excessive speed or failure to obey a traffic control device. Service may only be accomplished during the hours the municipal court is open for the transaction of business and only on court premises.

<p>CHAPTER 137 HB 2429 Go to full text</p>	<p>CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS Documents or records recorded or required to be open to the public pursuant to the constitution or laws of the state or by court rule or order are specifically exempted from restrictions on the use of social security numbers contained in new Title 44, Chapter 9, Article 16 (A.R.S. §§ 44-1376 and 44-1376.01). State agencies and political subdivisions must comply with provisions prohibiting the printing of a social security number on cards required to receive products or services and on materials mailed to an individual unless the number is required by state or federal law. The latter restriction does not prohibit the mailing of documents that include social security numbers sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security number. Effective January 1, 2005.</p>
<p>CHAPTER 150 HB 2124 Go to full text</p>	<p>PEACE OFFICER JURY SERVICE On timely application, the court must excuse from jury service any peace officer certified by the Arizona Peace Officer Standards and Training Board and employed as a peace officer by the state or any of its political subdivisions. An employer is prohibited from influencing the officer's decision to be excused. The bill became law without signature of the Governor, pursuant to the Arizona Constitution, Article V, section 7.</p>
<p>CHAPTER 163 HB 2018 Go to full text</p>	<p>CONCILIATION COURT FEE Maternity and paternity cases are added to the present types of family law cases in which, when filing initial pleadings, litigants pay a \$65 fee under A.R.S. § 12-284(E).</p>
<p>CHAPTER 164 HB 2024 Go to full text</p>	<p>ASRS SERVICE PURCHASE A definition of "current annual compensation" is added to A.R.S. § 38-711 to clarify the current method for calculating the cost of purchasing credit in the Arizona State Retirement System (ASRS) for previous service with another public employer or the military. ASRS is required to recalculate the cost of credited active military service prior to July 20, 1996 and refund any difference between that cost and the amount calculated under the current statutory formula. ASRS must notify members of this latter obligation by publication in prescribed annual statements or newsletters. Emergency measure effective May 7, 2003.</p>
<p>CHAPTER 171 SB 1037 Go to full text</p>	<p>ASRS HEALTH INSURANCE BENEFITS To equalize certain health insurance benefits offered by the Arizona State Retirement System with those of the other public retirement systems in the state (including the Elected Officials Retirement System), the health care premium benefit and temporary rural health care premium supplement is extended to a contingent annuitant of an ASRS member. A member who elects a joint and survivor annuity as an optional retirement benefit may choose the same method of payment of the health care premium benefit under new subsection K of A.R.S. § 38-783. The optional premium benefit payment applies to members who retire from and after December 31, 2003.</p>

CHAPTER 196 ASRS DROP PROGRAM

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The modified Deferred Retirement Option Plan (DROP) established for members of the Arizona State Retirement System in 1999 is clarified. To qualify, the termination option must be established by a written agreement that includes conditions that constitute a breach and the employee must have at least five years of credited service and work for at least six months under the agreement. A member may purchase no more than an aggregate of five years of credited service under all agreements with any one or more employers. Although the member and employer do not make retirement contributions during the term of the agreement, each must make contributions for the long-term disability program.

If a member transfers employment between state agencies or from one participating employer to another, the member and the successor employer may complete the terms of the agreement if the latter assumes all remaining obligations of the agreement, however, a member may have only one agreement in effect at any one time with a single agency or employer. If a member terminates employment due to total disability or death, the agreement nevertheless is considered completed through the date of termination of employment and, notwithstanding the six month minimum service requirement, the member or the member's beneficiary is eligible to purchase and receive credited service for the period of the agreement that was completed.

CHAPTER 200 JURY SERVICE

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A statement of policy added to A.R.S. § 21-202 declares that all qualified citizens have an obligation to serve on juries when summoned by the courts of this state, unless excused. That statute is amended to limit the circumstances under which a person may temporarily be excused from jury service on timely application. The prospective juror must provide documentation demonstrating to a judge or jury commissioner that the person is incapable of performing jury service due to a mental or physical condition, that jury service would materially affect the public interest or welfare in an adverse manner, or that jury service would cause undue or extreme physical or financial hardship under circumstances prescribed in the statute. A prospective juror may be permanently excused if the underlying grounds are permanent in nature.

New § 21-336 limits postponement of jury service to two times. Except in the event of an extreme emergency that could not have been anticipated at the time of the initial postponement, a request for postponement will be granted if the prospective juror either appears in person or contacts the jury commissioner by telephone, electronic mail or in writing and has not previously been granted a postponement. The postponement can not extend beyond three months after the date of the original summons and must be on a date when the court will be in session.

Under new § 21-335, a juror summoned and selected to serve on a jury in the state is not required to serve again in any court in this state for two years following the last day of the juror's service. The Arizona Supreme Court may grant an exemption from this limitation for a specified period of time, not

exceeding one year.

Amendments to § 21-236 prohibit an employer from requiring or requesting that an employee use annual, vacation or sick leave for time spent responding to a summons for jury duty, participating in the jury selection process or serving on a jury. However, an employer is not obligated to provide annual, vacation or sick leave to employees who are otherwise not entitled to such benefits under company policies. A court must postpone and reschedule the service of a summoned juror employed by an entity with five or fewer full-time employees if, during the same period, another employee of the employer is serving as a juror. A postponement pursuant to this provision does not affect a person's right to one "automatic" postponement under § 21-336 (see above).

Under new § 21-336.01, defining a juror's term of service, a person's jury service obligation is "fulfilled" under five listed circumstances, ranging from actual service on one trial to providing the court with a valid telephone number and standing ready to serve on the same day, for a period of two days. A county may receive an exemption from this term of service statute for a specified period of time, not exceeding one year, on application to the Arizona Supreme Court. **Effective January 1, 2005.**

It is unlawful, without seeking a postponement or being excused, willfully and without reasonable excuse for a prospective juror to fail to attend on the date summoned. The maximum fine for contempt is increased from \$100 to \$500.

The Arizona Lengthy Trial Fund is established, consisting of additional fees charged, **beginning on January 1, 2004**, on filing, appearance and answer or response fees in the superior court in an amount and on case types to be determined by the Arizona Supreme Court. **Beginning July 1, 2004**, monies in the fund will be used in accordance with a formula set forth in § 21-222 to supplement or replace earnings of petit jurors who serve for more than ten days and who receive less than full compensation from an employer. A juror may receive replacement or supplemental earnings of at least \$40 but not more than \$300 per day. Jurors who serve beyond the tenth day also are eligible to receive at least \$40 but not more than \$100 per day from the fourth to the tenth day of jury service. **The implementing statutes are repealed on December 31, 2013 and July 1, 2014.**

Except as noted this law becomes effective January 1, 2004.

CHAPTER FINGERPRINT CLEARANCE CARDS

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Various substantive and conforming amendments are made to statutes regarding the requirement to possess a fingerprint clearance card as a condition of employment. The distinction between class one and class two fingerprint clearance cards is eliminated. All class one or class two fingerprint clearance

cards issued before October 1, 2003 remain valid until their normal expiration dates, at which time the cardholder must apply for a new fingerprint clearance card.

On issuance, a fingerprint clearance card becomes the personal property of the cardholder, who retains possession of the fingerprint clearance card. A cardholder must submit a new set of fingerprints to the division for a fingerprint background check every six years. A person awaiting trial on or who has been convicted of committing or attempting or conspiring to commit a DUI offense in this state or another state within five years from the date of applying for a fingerprint clearance card is precluded from driving any vehicle to transport employees or clients of the employing agency as part of the person's employment. This limitation must be noted on the clearance card. The cardholder is not precluded from driving alone in the course of employment.

The Board of Fingerprinting (Board) is authorized to establish fees to finance its responsibilities. The fee will be collected by the Fingerprinting Division of the Department of Public Safety on submission of an application for a clearance card.

The Board is directed to appoint a hearing officer to determine good cause exceptions under A.R.S. § 41-619.55. A good cause exception hearing must be held when an applicant otherwise qualified to apply for the exception does not qualify under an expedited review. To determine whether a person is eligible under an expedited review, the applicant must not be awaiting trial on or have been convicted of committing any of the offenses listed in § 41-1758.03(B) or that the person is successfully rehabilitated and is not a recidivist. All criteria currently listed in § 41-619.55 for granting a good cause exception must be considered.

Emergency measure effective May 14, 2003.

CHAPTER ELECTIONS

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A person's name may be withdrawn from a candidate nominating petition no later than 5:00 p.m. on the date the petition is filed. A write-in candidate must file nomination papers no later than the fortieth, rather than fourteenth, day prior to the election. A write-in candidate for a vacancy caused by death, incapacity or withdrawal of a candidate may file up to the fifth day prior to the election.

Appeals challenging the validity of nomination petitions must be filed by 5:00 p.m. on the tenth day after the last day for filing nomination papers and petitions.

To receive an early ballot by mail, an elector's request to the county recorder must be complete and correct, including all information required by A.R.S. § 16-542(A). The county recorder must notify an elector of any deficiencies if the request otherwise complies with the requirements of that section.

An automatic recount of ballots is required when the margin of votes between the two candidates receiving the greatest number of votes for an office is less

than or equal to the lesser of: 1) in the case of an office to be filled by state electors, 200 votes when the total number of votes cast is more than 25,000 or 50 votes when the total number of votes cast is 25,000 or less; 2) 200 votes in the case of an initiated or referred measure or proposal to amend the constitution; or, 3) ten votes in the case of an office to be filled by the electors of a county or a subdivision thereof.

Effective January 1, 2004.

**CHAPTER 247
HB 2349
Go to full text** **PREMIUM BENEFIT SUPPLEMENT PROGRAM FOR RETIREES**
The premium benefit supplement applied towards insurance premiums for eligible retired and disabled members and dependents of the Arizona State Retirement System and the Elected Officials Retirement Plan who live in non-service areas where no HMO is available, originally enacted in 2001 for a two-year period (Laws 2001, Chapter 376), is extended an additional two years through June 30, 2005. Some new restrictions apply: Members must live in a county with 200,000 or less persons without an available HMO and in order to receive the benefit ASRS members must have at least 10 years and EORP members at least eight years of credited service. Minimum out-of-pocket contributions are set forth as a condition of receiving benefits. **Retroactive to July 1, 2003.**

**CHAPTER 250
SB 1224
Go to full text** **SUPPLEMENTAL DEFINED CONTRIBUTION PLAN**
Various changes are made to the supplemental defined contribution plan (Plan) available to members of the Arizona State Retirement System (ASRS), the Elected Official's Retirement Plan (EORP) and other state retirement systems in order to be certified under section 401(a) of the Internal Revenue Code. An employee now must elect to participate in the Plan within two years after first becoming eligible. The election is continues for the remainder of the term of employment. In lieu of annual employer adjustments of employer contributions, the employee may make a one-time irrevocable election of the employer's contribution amount. An employer may elect to match the employee's contribution to any other qualified plan and if either the separate or combined contributions of the employer and employee exceed limits established by the IRS any excess amount may be contributed to the Plan. It is clarified that members of ASRS must qualify to participate in the Plan in order to be eligible.

CIVIL

Chapter Number	Description
CHAPTER 29 HB 2158 Go to full text	CORPORATION COMMISSION SUBPOENA IN INVESTMENT CASES The superior court of Maricopa County may exercise its contempt powers for willful noncompliance with an order of the Arizona Corporation Commission directing a financial institution not to disclose, other than to legal counsel, the existence or content of a subpoena issued in the course of an investigation of investment management practices. The Commission is authorized directly to petition the superior court in Maricopa County for appointment of a conservator

	to reorganize or wind up the affairs of a person alleged to have violated the licensing requirements of A.R.S. § 44-3151 for investment advisors or investment advisor representatives or to have committed a fraudulent practice in providing investment advisory services under § 44-3241. The Commission may recover costs of any court action.
CHAPTER 30 HB 2159 Go to full text	CORPORATION COMMISSION SUBPOENA IN SECURITIES MATTERS The superior court of Maricopa County may exercise its contempt powers for willful noncompliance with an order of the Arizona Corporation Commission directing a financial institution not to disclose, other than to legal counsel, the existence or content of a subpoena issued in the course of an investigation of security sales practices. The Commission is authorized directly to petition the superior court in Maricopa County for appointment of a conservator to reorganize or wind up the affairs of a person alleged to have violated the laws regarding sales of unregistered securities (A.R.S. § 44-1841) or securities sales to or purchases from unregistered dealers or salespersons (§ 44-1842) or to have committed a fraudulent practice with regard to securities under Title 44, Chapter 12, Article 13. The Commission may recover costs of any court action.
CHAPTER 56 HB 2181 Go to full text	GUARDIAN OF INCAPACITATED PERSON A petition for appointment of a guardian for an incapacitated person under A.R.S. § 14-5303 must state whether a general or limited guardianship is requested. If a general guardianship is requested, the petition must state that other alternatives have been explored and why a limited guardianship is not appropriate. If a limited guardianship is requested, the petition must state what specific powers are requested. When making the appointment, the court must encourage development of maximum self-reliance and independence of the incapacitated person. In addition to other evidence required under § 14-5304 to make an appointment, the court must be satisfied the person's needs cannot be met by less restrictive means, including the use of appropriate technological assistance.
CHAPTER 74 SB 1111 Go to full text	TREATMENT RELEASE FROM STATE HOSPITAL The Medical Director of the Arizona State Hospital may authorize a patient civilly committed pursuant to A.R.S. § 36-540 to leave the state hospital grounds unaccompanied to begin the process of integrating the patient back into a functioning role in society if the leave is part of an inpatient individualized treatment and discharge plan and if the medical director determines that the patient will not become dangerous or suffer serious physical harm or illness during that time.
CHAPTER 84 SB 1261 Go to full text	MOBILE HOME PARKS LANDLORD/TENANT ACT BOOKLET The current Arizona mobile home parks residential landlord and tenant act booklet circulated in some communities by justice of the peace courts will no longer be published by the Secretary of State. Landlords now are required before entering into a rental agreement to provide prospective tenants and make available to all tenants a concise written summary of the Act, approved by the director of the Department of Building and Fire Safety and posted to the web site of the Department and the Secretary of State.

<p>CHAPTER 96 HB 2214 Go to full text</p>	<p>VETERANS' SERVICES FIDUCIARY DUTIES</p> <p>Various sections of law are amended to provide that the spouse or minor child of a veteran may serve as a personal representative (A.R.S. § 14-3203), guardian (§ 14-5311) or conservator (§ 14-5410) of the veteran, and to prioritize the appointment of the spouse, minor child or the Department of Veterans' Services over a court-appointed guardian or conservator. The authority of the Department to act in all fiduciary matters on behalf of a veteran or the veteran's spouse or minor child is clarified in § 41-603.</p>
<p>CHAPTER 129 SB 1010 Go to full text</p>	<p>MEDICAL MALPRACTICE INVOLVING ALLEGED ELDER ABUSE</p> <p>A medical malpractice action brought against a physician, podiatrist, registered nurse practitioner or physician assistant regarding services provided within that person's scope of practice, may not be based on the neglect, abuse or exploitation of an incapacitated or vulnerable adult, unless at the time of the events giving rise to a cause of action either: 1) the person was employed, retained or designated to serve as a medical director of a nursing care institution, an assisted living center, an assisted living facility, an assisted living home, an adult day health care facility, a residential care institution, an adult care home, a skilled nursing facility or a nursing facility; or, 2) the person was the primary provider responsible for the medical services to the patient while the patient was at one of these facilities. Also exempt from civil liability for damages is any person who was the primary provider of medical services to the patient in the last two years before it was recommended that the patient be admitted to one of these facilities.</p>
<p>CHAPTER 190 HB 2221 Go to full text</p>	<p>BURIAL RESPONSIBILITY</p> <p>The statute (A.R.S. § 36-831) outlining damages that may be recovered in a civil action for failure of a person within a reasonable time to bury a body or provide other funeral and disposition arrangements for a dead person is amended by allowing recovery for expenses incurred in providing for the burial or other funeral and disposition arrangements.</p>
<p>CHAPTER 195 HB 2407 Go to full text</p>	<p>STATUTE OF LIMITATIONS FOR CIVIL ACTIONS BY VICTIMS</p> <p>Provisions for extension and tolling of the statute of limitations specifically applicable to a civil cause of action arising from criminal conduct against the victim are established in new section A.R.S. § 12-511. A "civil cause of action" is defined as any civil claim the victim could have brought against the defendant only for criminal conduct committed against the victim regardless of whether the incidents were criminally prosecuted. "Criminal conduct" is limited to specifically listed offenses, including homicide, assault, kidnapping, particular sexual offenses, offenses involving sexual exploitation of children and domestic violence. In any action brought pursuant to this section, the standard of proof is by the preponderance of the evidence.</p> <p>If a defendant is convicted of criminal conduct against the victim, the statute of limitations for the civil action is extended for one year from the time the conviction becomes final. Whether or not a conviction is obtained, the statute of limitations is tolled from the time the defendant is charged by a criminal complaint or indictment until the final adjudication of the criminal prosecution. If the victim's civil action arises out of more than one incident of criminal conduct</p>

included in the conviction, the statute of limitations runs from the date of the last incident of criminal conduct or conviction. The statute does not toll or extend any statute of limitations applicable to a civil cause of action brought against the employer or former employer of a defendant subject to the statute and does not shorten any other applicable tolling provisions.

CHAPTER UNIFORM TRUST CODE

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SB 1351

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The Uniform Trust Code promulgated and recommended for enactment in all states by the National Conference of Commissioners on Uniform State Laws is adopted as Title 14, Chapter 10, to apply to express trusts, charitable or noncharitable trusts and trusts created pursuant to a statute, judgment or decree that require administration in the manner of an express trust. The Code is designed to provide precise, comprehensive, and easily accessible guidance on trust law questions. According to the drafters, although much of the Code is a codification of the common law of trusts, it does contain a number of innovative provisions. Among the more significant are specification of the rules of trust law that are not subject to override in the trust's terms (A.R.S. § 14-10105), the inclusion of a comprehensive article on representation of beneficiaries (Article 3, enacted as §§ 14-1404 through 14-1408), rules on trust modification and termination that will enhance flexibility (§§ 14-10410 through 14-10417), and the inclusion of an article collecting the special rules pertaining to revocable trusts (Article 6, enacted as §§ 14-10601 through 14-10604).

The Code applies to all trusts created before, on or after January 1, 2004 and to all judicial proceedings concerning trusts commenced on or after January 1, 2004. It also is applicable to judicial proceedings concerning trusts commenced before January 1, 2004, unless the court finds that application of a particular provision of the Code would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of the parties, in which case the superseded law applies. Any rule of construction or presumption in the Code applies to trust instruments executed before January 1, 2004, unless there is a clear indication of a contrary intent in the terms of the trust. An act done before January 1, 2004, is not affected by the Code. If a right is acquired, extinguished or barred on the expiration of a prescribed period that has commenced to run under any other statute before January 1, 2004, that statute continues to apply to the right even if repealed or superseded by the Code. Unless already done, for all irrevocable trusts in existence before January 1, 2004, the sixty day notice required by new § 14-10813 to be sent by a trustee to qualified beneficiaries must be given within sixty days after January 1, 2004. **Generally effective January 1, 2004.**

CHAPTER ENFORCEMENT OF ENVIRONMENTAL ENGINEERING CONTROLS

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SB 1243

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New legislation in Title 49 dealing with remediation of contaminated soil to protect public health and the environment permits the Director of the Department of Environmental Quality to issue orders regarding engineering controls and financial assurances about such controls required to be given by a property owner. Under new A.R.S. § 49-152.02, a final order of the Director may be enforced in the superior court. If the Director determines an owner's failure to comply with a final order has created an imminent and substantial endangerment

to the public health or the environment, the Attorney General may be asked to commence a civil action to mitigate or prevent endangerment and access the financial assurance mechanism. Such an action has precedence over all other matters pending before the court. Additionally, the Attorney General may be requested to commence a civil action to recover civil penalties of up to \$1,000 per day for each day of noncompliance, not to exceed \$250,000 for each order violated. The statute lists factors to be considered by the court in determining the amount of the penalty. **Emergency measure effective May 14, 2003.**

CHAPTER COMMERCIAL ELECTRONIC MAIL

229

SB 1280

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A right of action to recover damages sustained, including loss of profits, and the costs incurred from the suit, is created in favor of a person injured due to a violation of new laws (Title 44, Chapter 9, Article 16) prohibiting the transmission of commercial electronic mail, defined as an electronic message, executable program or computer file containing an image of a message that is transmitted between two or more computers or electronic terminals for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services. If an injury results from the intentional transmission of unsolicited commercial electronic mail, the injured person or injured electronic mail service provider may recover attorney fees and costs and may choose, instead of receiving actual damages, to recover \$10 for each unsolicited commercial electronic mail message transmitted in violation of the Article or twenty-five thousand dollars, whichever is less.

At the request of any party to a legal action, the court may conduct all proceedings in a manner to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent possible recurrence of the same or similar act by another person and to protect any trade secrets of any party.

A person who violates the Article is guilty of a class 2 misdemeanor.

CHAPTER MOBILE HOME PARKS LANDLORD TENANT LAW

234

SB 1049

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Various amendments are made to the Arizona Mobile Home Parks Residential Landlord and Tenant Act relating to the terms and conditions of the rental agreement (A.R.S. § 33-1413), rules and regulations concerning the tenant's use and occupancy of the premises (§ 33-1452), a tenant's rights when a change in use or redevelopment of a mobile home park (§ 33-1476.01), and assessments for the mobile home relocation fund (§ 33-1476.03). A new section of law added as § 33-1485.01 governs the rights and responsibilities of landlords and tenants regarding removal of a mobile home from a mobile home park.

CHAPTER DOMESTIC VIOLENCE VICTIM ADVOCATE PRIVILEGE

235

SB 1098

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Under new A.R.S. § 12-2239, in a civil action other than one involving the civil commitment of a sexually violent person, a domestic violence victim advocate, having qualifications set forth in the statute, can not be examined as to any communication made to that person by a domestic violence victim. However, unless other legal privileges apply, the communication is not privileged if the victim advocate knows or should have known that the victim will give or has

given perjurious statements or statements that would tend to disprove the existence of domestic violence. Any party to the action may move for disclosure of privileged information. Upon finding reasonable cause, an in camera hearing must be held to determine whether the privilege should apply. The privilege granted for civil actions does exempt a domestic violence advocate from the duty to report nonaccidental injuries and physical neglect of minors imposed under § 13-3620.

CHAPTER INTRASTATE TELEMARKETING

237

SB 1119

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text**

The Attorney General may petition the superior court to collect civil penalties, not to exceed \$1,000 per violation, for any unlawful practice committed in violation of new A.R.S. §44-1282, governing the intrastate telephone solicitation to a telephone number in Arizona.

CRIMINAL

Chapter Number	Description
CHAPTER 11 HB 2019	PROBATION ABSCONDER Time spent on "absconder status" while on probation is excluded in calculating the time within which certain felonies may be considered as historical prior

<p>Go to full text</p>	<p>felony convictions for purposes of sentencing under A.R.S. § 13-604. A probationer is considered an "absconder" if the person has moved from the primary place of residence without permission of the probation officer and cannot be located within 90 days of the previous contact and a petition to revoke has been filed in the superior court alleging that the probationer's whereabouts are unknown. A probationer is no longer deemed to be an absconder when voluntarily or involuntarily returned to probation service.</p>
<p>CHAPTER 12 HB 2021 Go to full text</p>	<p>DNA TESTING</p> <p>Laws enacted in 2002 regarding DNA testing are clarified. One version of a dual enactment of A.R.S. § 13-610 is repealed, leaving that statute in the form enacted by Laws 2002, chapter 226. The repealed statute required tested persons to pay the cost to the superior court, a procedure inconsistent with the funding scheme adopted by the legislature in 2002 by which funding for testing is derived from a surcharge under § 12-116.01.</p> <p>A juvenile subject to prosecution as an adult under § 13-501(B)(2) for a class 2 felony drug offense must be tested whether or not prosecution occurs under that statute. Testing previously was required only if the juvenile was prosecuted under that statute. Note, however, that beginning January 1, 2004, a violation of any felony offense under § 13-501 will trigger DNA testing. A correction to subsection L of § 13-610 clarifies that testing for both juveniles and adults must occur within stated time frames.</p>
<p>CHAPTER 15 HB 2110 Go to full text</p>	<p>PUBLIC DEFENDER ASSESSMENT</p> <p>The time limitation for imposition by the court of the administrative assessment allowable under A.R.S. § 11-584 is removed. Previously, this assessment could be made only at the time of a defendant's initial appearance in a criminal case or a juvenile's advisory hearing in a delinquency proceeding. Assessments, which may not exceed \$25, are used to defray the costs of public defenders and court appointed counsel.</p>
<p>CHAPTER 19 SB 1300 Go to full text</p>	<p>CONTROLLED SUBSTANCES</p> <p>Several sections of Title 36 are amended to conform to the federal Drug Abuse Prevention and Control Act and make Arizona state-specific changes regarding schedule III, IV and V controlled substances. A prescription order for a schedule II substance may not be dispensed more than 60 days after the order was written.</p>
<p>CHAPTER 42 SB 1088 Go to full text</p>	<p>SEX OFFENDER REGISTRATION</p> <p>The Department of Corrections in conjunction with the Department of Public Safety and each county sheriff must, before a person is released from confinement, complete the registration of any person required to register as a sex offender under A.R.S. § 13-3821. Effective January 1, 2004.</p>
<p>CHAPTER 65 HB 2206 Go to full text</p>	<p>BEHAVIORAL HEALTH PROFESSIONALS</p> <p>Regulatory oversight by the Arizona Board of Behavioral Health Examiners of behavioral health professionals in the disciplines of social work, professional counseling, marriage and family therapy and substance abuse counseling is converted from voluntary certification to mandatory licensure and various changes are made to the educational and competence requirements for behavioral</p>

	health professionals. Persons holding valid certificates must be reclassified to licensed status prior to July 1, 2004. Effective July 1, 2004.
CHAPTER 78 SB 1301 Go to full text	PHARMACY TECHNICIANS AND TRAINEES It is a class 2 misdemeanor to secure a license as a pharmacy technician or a pharmacy technician trainee by knowingly making a false representation, to fraudulently claim to be licensed as a pharmacy technician or a pharmacy technician trainee or to knowingly perform the duties of a pharmacy technician or a pharmacy technician trainee without a license. Effective April 17, 2003.
CHAPTER 112 HB 2280 Go to full text	PRIVATE INVESTIGATORS AND SECURITY GUARDS Among the grounds for which disciplinary action may be taken by the Department of Public Safety against the license of a private investigator under A.R.S. § 32-2457 or a security guard under § 32-2636 is that the holder is on parole, community supervision, work furlough, home arrest, or release on any other basis, is named in an outstanding arrest warrant or is on probation for the conviction of any act of personal violence or domestic violence or an offense having the same elements as a domestic violence offense. It is a class 1 misdemeanor for a person to engage in a business regulated by the security guard statutes or to act, assume to act as or represent one's self to be a licensee unless the person is properly licensed.
CHAPTER 117 SB 1084 Go to full text	NATUROPATHIC MEDICINE It is a class 6 felony to commit certain unlawful acts relating to the practice of naturopathic medicine listed in A.R.S. § 32-1555.
CHAPTER 134 HB 2333 Go to full text	MUNICIPAL COURT SERVICE OF PROCESS Pursuant to rules to be established by the Arizona Supreme Court, an unarmed police aide or traffic investigator appointed pursuant to A.R.S. § 28-627 may serve any process originating out of a municipal court in the municipality in which the person is employed, except process resulting from a citation obtained from photo radar or a red light camera issued for a violation of § 28-701 or § 28-644 or of a city or town ordinance for excessive speed or failure to obey a traffic control device. Service may only be accomplished during the hours the municipal court is open for the transaction of business and only on court premises.
CHAPTER 156 HB 2507 Go to full text	WILDFIRES A new section of law (A.R.S. § 13-1706) makes it unlawful to intentionally, knowingly, recklessly or with criminal negligence set or cause to be set on fire any wildland not owned by the defendant or to permit a fire that was set or caused to be set to pass to the grounds of another person. The classification of offense for violation of this section range from a class 2 misdemeanor for causing a wildland fire with criminal negligence to a class 3 felony for intentionally causing a wildland fire that places another person in danger of death or serious injury or places another person's building or occupied structure in danger of damage. Under new § 13-2913, it is a class 2 misdemeanor for a person to enter or remain in any public building or on any public property in violation of any order or rule

	issued by any officer or agency having the power of control, management or supervision of the building or property and that relates to the control and limitation of fires.
CHAPTER 170 HB 2410 Go to full text	USE OF SERVICE ANIMALS BY PERSONS WITH DISABILITIES It is a class 1 misdemeanor for a person or entity operating a public place to violate of any of the subsections of new A.R.S. § 11-1024, pertaining to discrimination against individuals with disabilities who use service animals. Prohibiting a service animal from public places is not considered discriminatory under stated circumstances. A vehicle operator approaching a legally blind pedestrian carrying a predominately white or metallic-colored cane and using a service animal or being assisted by a sighted person is liable for damages for any injury to the pedestrian or the service animal caused by the failure to yield the right-of-way or take reasonable precautions to avoid injury to the pedestrian and the service animal. Drivers are equally responsible for injuries to pedestrians who have a disability other than blindness and their service animals.
CHAPTER 172 SB 1059 Go to full text	TRESPASS ON CRITICAL PUBLIC SERVICE FACILITIES It is a class 6 felony under A.R.S. § 13-1504 to enter or remain unlawfully in or on a "critical public service facility" as newly defined in § 13-1501, so long as the facility is posted with signage indicating it is a felony to trespass or signage indicating high voltage or high pressure.
CHAPTER 173 SB 1158 Go to full text	SEX OFFENDER NOTIFICATION Arizona law is conformed with the federal Campus Protection Act by requiring persons subject to sex offender registration additionally to register with the county sheriff having jurisdiction over any public or private postsecondary educational institution where the person is a student, employed, or engaged in a vocation and to notify the sheriff of each change in enrollment or employment status at the institution. The sheriff must promptly make the information available to the law enforcement agency responsible to perform community notification, which then must notify the institution's administration and complete appropriate campus notification. The December 30, 2003 sunset date for the Community Notification Guidelines Committee established in A.R.S. § 13-3826 is repealed.
CHAPTER 183 SB 1282 Go to full text	WILDLIFE DISEASES It is a class 2 misdemeanor to violate any lawful order issued under new A.R.S. § 17-250, authorizing the Director of the Game and Fish Department to issue orders necessary to minimize or eliminate the threat from wildlife disease suspected or documented in free ranging or captive wildlife, including establishing quarantines, directing the destruction of wildlife to prevent the spread of disease, controlling the movement of wildlife, wildlife carcasses or wildlife parts or requiring individuals to submit wildlife or wildlife parts for testing.
CHAPTER 188 HB 2015 Go to full text	STATUTORY CORRECTIONS Each year, on recommendation of the Legislative Council pursuant to A.R.S. § 41-1304.01, a bill is introduced to correct multiple, defective or conflicting legislative disposition of statutory text. Among changes in this year's bill are

<p>text</p>	<p>amendments reconciling conflicting versions of § 13-2008, relating to identity theft. Retroactive application with differing effective dates.</p>
<p>CHAPTER 199 HB 2482 Go to full text</p>	<p>NEIGHBORHOOD ASSOCIATION VICTIMS' RIGHTS Drawing or inscribing a message without permission of the owner (A.R.S. § 13-1602(A)(5)) and discharging a firearm at an occupied structure (§ 13-3102(A)(9)) are added to the offenses that permit a registered neighborhood association to receive notice under or invoke the provisions of various victims' rights statutes.</p>
<p>CHAPTER 202 SB 1103 Go to full text</p>	<p>MESSAGE THERAPISTS It is a class 1 misdemeanor for any person to claim to be a massage therapist or use any terms or references in any advertisement, statement or publication to suggest to the public that the person is a massage therapist unless that person is licensed as a massage therapist licensed pursuant to a new chapter of law in Title 42. It also is a class 1 misdemeanor for an unlicensed person to use any titles or abbreviations adopted by the Board of Massage Therapy (Board) to reference licensed massage therapists or any other abbreviation or other words, letters, signs or figures to indicate that the person using the title is licensed. The Board, through the appropriate county attorney, city attorney or the office of the attorney general, may apply to any court of competent jurisdiction to enjoin a person from committing any act in violation of the new chapter. Effective May 12, 2003, however, provisions establishing criminal penalties presumably can not be enforced until July 1, 2004 when the requirement for licensure of massage therapists begins.</p>
<p>CHAPTER 222 SB 1352 Go to full text</p>	<p>PROTECTION OF CHILDREN The scope of the law (A.R.S. § 13-3506.01) criminalizing the transmission to a minor of information harmful to minors is expanded beyond the Internet to add email, personal messaging or any other direct communication and the term "Internet" is defined. Exceptions are made for posting information on an Internet bulletin board or newsgroup or sending material via a mailing list or listserv not administered by the sender. The statute (§ 13-3620) establishing a duty to report child abuse, neglect or non accidental injury is amended and restructured. Among other things, the mandatory reporting requirement is extended to physician's assistants, optometrists, behavioral health professionals, stepparents, guardians, Christian Science Practitioners, and domestic violence victim advocates. "Reportable offenses" are specifically defined and expanded to include surreptitious photographing, videotaping, filming or digitally recording a child in violation of § 13-3019 and additional crimes classified as sexual offenses or sexual exploitation of children. Failure to report a reportable offense is elevated from a class 1 misdemeanor to a class 6 felony. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of a minor in the course of providing sex offender treatment <i>not</i> ordered by the court or that does <i>not</i> occur while the offender is incarcerated in the Department of Corrections (DOC) or committed to the Department of Juvenile Corrections</p>

(ADJC), the physician, psychologist or behavioral health professional may withhold reporting if it is reasonable and necessary to accomplish the purposes of the treatment. Separately, under new § 13-4066, statements by a person who undergoes sex offender treatment ordered by the court or provided by DOC or ADJC to a person convicted of any sex offense or offense involving sexual exploitation of children, and any evidence resulting from that treatment, is not admissible against the person in any criminal or juvenile delinquency proceeding without the person's consent or unless the evidence is used to show motive, pursuant to Arizona Rules of Evidence.

CHAPTER RETALIATORY CRIMES

225

HB 2208

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For purposes of determining a sentence under A.R.S. § 13-710, the court must consider as a possible aggravating factor that the offense was committed in retaliation for a victim's either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity. The crime of threatening and intimidating (§ 13-1202) is classified as a class 6 felony if committed under the same retaliatory circumstances.

CHAPTER COMMERCIAL ELECTRONIC MAIL

229

SB 1280

[Go to full text](#)

It is a class 2 misdemeanor to violate new laws added as Title 44, Chapter 9, Article 16, prohibiting the transmission of commercial electronic mail, defined as an electronic message, executable program or computer file containing an image of a message that is transmitted between two or more computers or electronic terminals for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services. If an injury results from the intentional transmission of unsolicited commercial electronic mail, the injured person or injured electronic mail service provider may recover attorney fees and costs and may choose, instead of receiving actual damages, to recover \$10 for each unsolicited commercial electronic mail message transmitted in violation of the Article or twenty-five thousand dollars, whichever is less.

CHAPTER VICTIMS' RIGHTS AT SENTENCING

255

SB 1267

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The legislature declares its intent that under Arizona law victims in capital cases have the right to make recommendations regarding the appropriate sentence in the same manner as defendants and states that "the only thing that stands in the way of exercising this right is the lack of a decision by the Arizona Supreme Court or the United States Supreme Court affirming this right. The sentencing statute is amended to provide that at the penalty phase, the victim has the right to be heard pursuant to A.R.S. § 13-4426. A new version of that statute permits the victim, before the imposition of sentence, to address the sentencing authority and present any information or opinions that concern the victim or the victim's family, including the impact of the crime on the victim, the harm caused by the crime, the criminal offense, the defendant, the need for restitution or the sentence to be imposed at every sentencing or disposition proceeding.

Under § 13-703.01, if the death penalty was not alleged or was alleged but not imposed, the court must determine whether to impose a sentence of life or natural life. In determining whether to impose a sentence of life or natural life, the court

may consider any evidence introduced before sentencing or at any other sentencing proceeding and must shall consider both any aggravating and mitigating circumstances listed in § 13-702 and any statement made by a victim.

The above provisions (other than the intent clause) do not become effective unless on or before June 30, 2013 the Arizona Supreme Court or the United States Supreme Court rules it is constitutional for a crime victim in a capital case to make a sentencing recommendation.

A new § 13-4426.01 provides that in any proceeding in which the victim has the right to be heard, the victim's right is exercised not as a witness, the victim's statement is not subject to disclosure to the state or the defendant or submission to the court and the victim is not subject to cross-examination. The state and the defense shall be afforded the opportunity to explain, support or deny the victim's statement.

In determining whether to impose a sentence of death under § 13-703, the trier of fact may consider as an aggravating circumstance that the defendant committed the offense charged while on probation for a felony offense. When considering prior convictions of serious offenses, convictions for serious offenses committed on the same occasion as the homicide, or not committed on the same occasion but consolidated for trial with the homicide, must be treated as a serious offense.

CHAPTER DRUG OFFENDER TRANSITION PROGRAM

256

SB 1291

**Go to full
text**

The Department of Corrections (DOC) is directed to establish through private or nonprofit entities a program to offer transition services to eligible inmates before and after release from confinement. To be eligible, an inmate must have been convicted of a drug offense under Title 13, Chapter 34 and not also been convicted of a sex offense, arson or any offense involving death, physical injury or the use of a deadly weapon or dangerous instrument, and meet other requirements. Transition services include assistance in finding employment, job training, transitional needs such as housing, food, treatment services, health insurance coverage, medical assistance, including necessary medication and mentoring services. Beginning January 1, 2004, an inmate who enters a transition program pursuant will be released from confinement three months earlier than the inmate's earliest release date.

DOC also is tasked to conduct an annual study to determine the recidivism rate of persons who receive the contracted transition services and to Prepare a quarterly report detailing cost reductions directed to the transition program..

The transition program is funded by a mandatory eight percent deduction from the wages of all prisoners convicted of a drug offense under Title 13, Chapter 14. The distribution scheme in A.R.S. § 31-254 of mandatory deductions from wages of prisoners whose compensation for labor performed is less than \$2 per hour is reordered to include the eight percent deduction, where applicable, and to assignee the lowest priority to court-ordered restitution.

FAMILY LAW

Chapter Number	Description
CHAPTER 18 HB 2130 Go to full text	TRANSFER OF FILE IN CHILD SUPPORT PROCEEDING An amendment to A.R.S. § 25-502 clarifies that when a request to change the venue of a child support case is unopposed, the clerk must issue a transfer order and transmit the file to the new county, which retains venue and the file for all purposes. The transferring county need not retain a copy of the file.
CHAPTER 27 HB 2135 Go to full text	CHILD SUPPORT WAGE ASSIGNMENTS Conflicting versions of a statute (A.R.S. § 23-722.02) dually enacted in 1998 regarding the responsibilities of employers and employees when orders of assignment for child support obligations have been issued are reconciled by repealing one version (Laws 1998, chapter 260, section 1). The stricken version included apparently unnecessary statutory references.
CHAPTER 54 HB 2134 Go to full text	PERMISSIBLE USE OF CONSUMER REPORTS A.R.S. § 44-1692 is clarified and expanded to allow the Department of Economic Security in a Title IV-D child support case to receive a consumer credit report if either the obligor mother or father (previously only father) has a child support obligation.
CHAPTER 89 HB 2257 Go to full text	GRANDPARENT VISITATION RIGHTS The procedure under A.R.S. § 25-409 for grandparents or great-grandparents to obtain visitation rights to a child born out of wedlock is clarified to prescribe that the petition must be filed in the same action in which the court determined maternity or paternity or, if the court no longer has jurisdiction over such action, by separate action in the county where the child resides.
CHAPTER 121 HB 2017 Go to full text	PARENT EDUCATION PROGRAM FEE The maximum fee that may be charged a parent for attending the Domestic Relations Education on Children's Issues program is increased from \$30 to \$50. A.R.S. § 25-355 is clarified to state that § 12-302 controls the procedure to request deferral or waiver of the fee.
CHAPTER 142 HB 2131 Go to full text	RENEWAL OF JUDGMENTS Conflicting versions of a statute (A.R.S. § 12-1551) dually enacted in 1999 exempting child support judgments from the requirement of periodic renewal are reconciled by repealing one version (Laws 1999, chapter 283, section 2). The statute is clarified to exempt all written judgments and orders for child support and spousal maintenance, including associated costs and attorney fees, as well as criminal restitution orders entered pursuant to § 13-805. Newly exempted are judgments for supervision fees or expenses associated with the care of a juvenile pursuant to § 8-241 or § 8-243 and associated costs and attorney fees.
CHAPTER 163 HB 2018	CONCILIATION COURT FEE Maternity and paternity cases are added to the present types of family law cases in which, when filing initial pleadings, litigants pay a \$65 fee under A.R.S. § 12-

Go to full text	284(E).
CHAPTER 186 HB 2258 Go to full text	CHILD CUSTODY JURISDICTION The circumstances in which a child custody proceeding involving a child born out of wedlock may be commenced under A.R.S. § 25-401 are clarified to state that a proceeding may be commenced by a parent only if there has been a prior establishment of maternity or paternity or may be commenced at the request of any person who is a party to an action for maternity or paternity.
CHAPTER 223 HB 2136 Go to full text	ASSIGNMENT OF CHILD SUPPORT RIGHTS Beginning July 1, 2003, the Department of Economic Security is required to pass through to a family court-ordered child support payments for a child who is not eligible to receive Temporary Assistance For Needy Children (TANF) benefits because of the so-called "kid cap" by which a child is excluded from receiving such benefits if born while a parent is receiving TANF, during a period of voluntary withdrawal or during a period of sanction.
CHAPTER 230 HB 2139 Go to full text	SUPPORT ENFORCEMENT When an obligor no longer owes current support, an administrative order of assignments issued by the state Title IV-D agency under A.R.S. § 25-505.01 may be adjusted for payment of arrearage. The adjusted order must be in the amount of the most recent current support order or the most recent order for payment of arrearage, whichever is greater. The process for voluntary establishment of paternity in § 28-812 is restructured but not substantially altered and conforming changes are made to other statutes. Necessary documents may be filed with the clerk of the superior court, the Department of Economic Security (DES) and the Department of Health (DHS). However, a birth certificate signed by the parents of a child born out of wedlock no longer may be used. A statement by the parents acknowledging paternity may be witnessed as well as notarized. A statement witnessed by a DES or DHS employee or by a hospital employee must contain the printed name and residential or business address of the witness. A statement that is witnessed by any other person must contain the printed name and residential address of the witness. If the acknowledgment of paternity is witnessed, the witness must be an adult who is not related to either parent by blood or by marriage. An order of paternity issued by the court must be transmitted both to DES and DHS. A rescission of the acknowledgment must be in writing and a copy must be filed with DES, not DHS. The composition of the Child Support Committee of the legislature is changed to eliminate one county attorney member.

JUVENILE

Chapter Number	Description
CHAPTER	DNA TESTING

<p>12 HB 2021 Go to full text</p>	<p>Laws enacted in 2002 regarding DNA testing are clarified. One version of a dual enactment of A.R.S. § 13-610 is repealed, leaving that statute in the form enacted by Laws 2002, chapter 226. The repealed statute required tested persons to pay the cost to the superior court, a procedure inconsistent with the funding scheme adopted by the legislature in 2002 by which funding for testing is derived from a surcharge under § 12-116.01.</p> <p>A juvenile subject to prosecution as an adult under § 13-501(B)(2) for a class 2 felony drug offense must be tested whether or not prosecution occurs under that statute. Testing previously was required only if the juvenile was prosecuted under that statute. Note, however, that beginning January 1, 2004, a violation of any felony offense under § 13-501 will trigger DNA testing. A correction to subsection L of § 13-610 clarifies that testing for both juveniles and adults must occur within stated time frames.</p>
<p>CHAPTER 15 HB 2110 Go to full text</p>	<p>PUBLIC DEFENDER ASSESSMENT</p> <p>The time limitation for imposition by the court of the administrative assessment allowable under A.R.S. § 11-584 is removed. Previously, this assessment could be made only at the time of a defendant’s initial appearance in a criminal case or a juvenile’s advisory hearing in a delinquency proceeding. Assessments, which may not exceed \$25, are used to defray the costs of public defenders and court appointed counsel.</p>
<p>CHAPTER 23 HB 2020 Go to full text</p>	<p>COSTS OF JUVENILE PROGRAMS</p> <p>When a child involved in a juvenile delinquency proceeding is placed in foster care or ordered to participate in treatment or an education program or if a probation officer requires a child to comply with a program pursuant to A.R.S. § 8-321(F), the juvenile court must inquire into the ability of the child or the child’s parent to bear the charge or expense of foster care, treatment, or the education or other program.</p>
<p>CHAPTER 65 HB 2206 Go to full text</p>	<p>BEHAVIORAL HEALTH PROFESSIONALS</p> <p>Regulatory oversight by the Arizona Board of Behavioral Health Examiners of behavioral health professionals in the disciplines of social work, professional counseling, marriage and family therapy and substance abuse counseling is converted from voluntary certification to mandatory licensure and various changes are made to the educational and competence requirements for behavioral health professionals. Persons holding valid certificates must be reclassified to licensed status prior to July 1, 2004. Effective July 1, 2004.</p>
<p>CHAPTER 123 HB 2106 Go to full text</p>	<p>INTERSTATE COMPACT FOR JUVENILES</p> <p>When effective, the newly-promulgated Interstate Compact for Juveniles will be added as Title 8, Chapter 3, Article 5.1 (A.R.S. §§ 8-360 and 368.01), superseding the current Interstate Compact on Juveniles (§§ 8-361 through 8-367) drafted in 1955. Primary changes from the earlier compact include the establishment of an independent compact operating authority to administer ongoing compact activity, representation of all member states on a national governing commission (the Interstate Commission for Juveniles, comprised of representatives appointed by separate state councils and non-voting members from interested organizations), rule making authority vested in the commission</p>

with significant sanctioning to support essential compact operations and a mandatory funding mechanism to support essential compact operations (staffing, data collection, training/education, etc.). The state council exercises oversight and advocacy concerning the state's participation in commission activities and must include a member of the Judicial Branch. **Effective the later of July 1, 2004 or upon enactment into law by the thirty-fifth state (or other eligible jurisdiction)**, when it will supercede the current compact (§ 8-361 et seq.) An annual assessment is levied on each contracting state to cover the cost of internal operations and activities of the commission and its staff. Monies will be paid by the Department of Juvenile Corrections.

CHAPTER CHILD ABUSE REPORTS

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HB 2133
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The written report of an investigation by a Department of Economic Security (DES) protective services worker will be submitted to the DES case management information system (Children Information Library and Data Source, or CHILDS, system) rather than to the central registry of reports of child abuse or neglect, which is limited to substantiated cases. If there is probable cause that abuse or neglect of a child has occurred, DES must record this finding independent of whether a specific person is identified as responsible for the abuse or neglect. However, whenever possible, DES must determine if a specific person is responsible for the abuse or neglect of a child. If DES is unable to locate a child who is the subject of a report of abuse or neglect, that finding must be recorded separate from its other findings.

Under A.R.S. § 8-811, DES must provide the person subject of an abuse or neglect investigation and the person who reported the suspected child abuse or neglect, if that person is the child's parent, guardian or custodian, with a copy of the outcome of the investigation if probable cause exists that abuse or neglect has occurred but a specific person is not identified as having abused or neglected the child.

CHAPTER RENEWAL OF JUDGMENTS

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HB 2131
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Conflicting versions of a statute (A.R.S. § 12-1551) dually enacted in 1999 exempting child support judgments from the requirement of periodic renewal are reconciled by repealing one version (Laws 1999, chapter 283, section 2). The statute is clarified to exempt all written judgments and orders for child support and spousal maintenance, including associated costs and attorney fees, as well as criminal restitution orders entered pursuant to § 13-805. Newly exempted are judgments for supervision fees or expenses associated with the care of a juvenile pursuant to § 8-241 or § 8-243 and associated costs and attorney fees.

CHAPTER ADOPTION INFORMATION

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SB 1090
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The law (A.R.S. § 8-106) requiring an agency, the Department of Economic Security division or an attorney participating or assisting in a direct placement adoption to obtain a notarized statement from a birth parent consenting to release of information is amended and made consistent with age changes made to A.R.S. § 8-134 by Laws 2003, chapter 107. The consent will operate to grant or withhold permission for the child being adopted, when reaching 18 years of age, to obtain identifying and nonidentifying information about the child and the consenting

birth parent but will no longer specify whether the birth parent wishes to be informed of the death of the child and the date and the cause of death. Any subsequent statement changing the birth parent's election must be filed only with the court. The most recent notarized statement takes precedence over any earlier statement.

Under § 8-120, adoption files, records, reports and other papers in the possession of an attorney may be destroyed after seven, rather than 99, years. The restriction in § 8-121 on the disclosure or use of information derived from the adoption files, records, reports or other papers is limited to 100 years from the date of the adoption order. After that time, the court must transfer all files, records, reports and other documents in its possession to the Arizona State Library, Archives and Public Records, where they will be available for public inspection. The disclosure restriction in this statute does not prohibit a person from notifying a birth parent of the death of a child that the birth parent has placed for adoption.

CHAPTER OPEN JUVENILE COURT PROCEEDINGS

208

SB 1304

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The superior court in Maricopa County, in collaboration with the Department of Economic Security, is directed by session law to implement a pilot project to open to the public at least five but no more than ten per cent of dependency, guardianship and termination of parental rights proceedings and to determine if opening these proceedings to the public will promote due process while safeguarding privacy rights. An interim report evaluating the impact and effectiveness of the pilot program is due by January 1, 2004, with a final report scheduled for October 15, 2004. This law is repealed December 31, 2004.

Before opening a proceeding to the public the court must consider listed factors, such as whether it is in the child's best interest, and must entertain the request to close the proceeding made by any child at least twelve years of age who is a party to the proceeding. At the beginning of an open hearing, the court must admonish attendees that they are prohibited, under threat of contempt, from disclosing personally identifiable information about the child, the child's siblings, parents, guardians, caregivers and others mentioned in the hearing. The court also must explain contempt and the possible consequences of violating the court's confidentiality order.

Previous session law (Laws 1997, chapter 222, section 81, as amended by Laws 1999, chapter 301, section 3) allowing the superior court in Maricopa and other counties to open to the public hearings and records of hearings in child abuse and neglect cases is repealed.

CHAPTER FINGERPRINT CLEARANCE CARDS

214

HB 2016

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Various substantive and conforming amendments are made to statutes regarding the requirement to possess a fingerprint clearance card as a condition of employment. The distinction between class one and class two fingerprint clearance cards is eliminated. All class one or class two fingerprint clearance cards issued before October 1, 2003 remain valid until their normal expiration dates, at which time the cardholder must apply for a new fingerprint clearance card.

On issuance, a fingerprint clearance card becomes the personal possession of the cardholder, who retains possession of the card. A cardholder must submit a new set of fingerprints to the division for a fingerprint background check every six years.

A person awaiting trial on or who has been convicted of committing or attempting or conspiring to commit a DUI offense in this state or another state within five years from the date of applying for a fingerprint clearance card is precluded from driving any vehicle to transport employees or clients of the employing agency as part of the person's employment. This limitation must be noted on the clearance card. The cardholder is not precluded from driving alone in the course of employment.

The Board of Fingerprinting (Board) is authorized to establish fees to finance its responsibilities. The fee will be collected by the Fingerprinting Division of the Department of Public Safety on submission of an application for a clearance card.

The Board is directed to appoint a hearing officer to determine good cause exceptions under A.R.S. § 41-619.55. A good cause exception hearing must be held when an applicant otherwise qualified to apply for the exception does not qualify under an expedited review. To determine whether a person is eligible under an expedited review, the applicant must not be awaiting trial on or have been convicted of committing any of the offenses listed in § 41-1758.03(B) or that the person is successfully rehabilitated and is not a recidivist. All criteria currently listed in § 41-619.55 for granting a good cause exception must be considered.

Emergency measure effective May 14, 2003.

CHAPTER PROTECTION OF CHILDREN

222

SB 1352

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The statute (§ 13-3620) establishing a duty to report child abuse, neglect or non accidental injury is amended and restructured. Among other things, the mandatory reporting requirement is extended to physician's assistants, optometrists, behavioral health professionals, stepparents, guardians, Christian Science Practitioners, and domestic violence victim advocates. "Reportable offenses" are specifically defined and expanded to include surreptitious photographing, videotaping, filming or digitally recording a child in violation of § 13-3019 and additional crimes classified as sexual offenses or sexual exploitation of children. Failure to report a reportable offense is elevated from a class 1 misdemeanor to a class 6 felony.

If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of a minor in the course of providing sex offender treatment *not* ordered by the court or that does *not* occur while the offender is incarcerated in the Department of Corrections (DOC) or committed to the Department of Juvenile Corrections (ADJC), the physician, psychologist or behavioral health professional may

withhold reporting if it is reasonable and necessary to accomplish the purposes of the treatment. Separately, under new § 13-4066, statements by a person who undergoes sex offender treatment ordered by the court or provided by DOC or ADJC to a person convicted of any sex offense or offense involving sexual exploitation of children, and any evidence resulting from that treatment, is not admissible against the person in any criminal or juvenile delinquency proceeding without the person's consent or unless the evidence is used to show motive, pursuant to Arizona Rules of Evidence.

The scope of the law (A.R.S. § 13-3506.01) criminalizing the transmission to a minor of information harmful to minors is expanded beyond the Internet to add email, personal messaging or any other direct communication and the term "Internet" is defined. Exceptions are made for posting information on an Internet bulletin board or newsgroup or sending material via a mailing list or listserv not administered by the sender.

TAX COURT

Chapter Number	Description
CHAPTER 16 HB 2112 Go to full text	SMALL CLAIMS MATTERS IN TAX COURT A.R.S. § 12-172 is amended to increase from \$300,000 to \$1 million the full cash value of all real and personal property subject to use in tax court of simplified, small claims procedures for resolving disputes concerning valuation or classification of property.
CHAPTER 105 HB 2059 Go to full text	TAX LAW CORRECTIONS This annual tax correction act makes non-substantive technical corrections in the tax statutes to reflect current practices as recommended by the Department of Revenue and Legislative Council. Included this year are provisions that harmonize A.R.S. § 43-304, regarding tax returns by fiduciaries, with last year's amendments on allowable subtractions from Arizona gross income for estates and trusts (Laws 2002, chapter 130, section 12). The Act also clarifies in the Unclaimed Property Act the time period for a person aggrieved by a decision of the Department of Revenue or whose claim has not been decided by the Department within 90 days to commence an original action in the superior court. A.R.S. § 43-304 is effective for taxable years beginning January 1, 2004.

TRAFFIC

Chapter Number	Description
CHAPTER 97 HB 2388 Go to full text	Motor Vehicle Accident Reports An electronic copy of each report of a motor vehicle accident resulting in bodily injury, death or property damage in excess of \$1,000 must be maintained if the issuing agency does not retain the original written report.

text	
<p>CHAPTER 134 HB 2333 Go to full text</p>	<p>MUNICIPAL COURT SERVICE OF PROCESS Pursuant to rules to be established by the Arizona Supreme Court, an unarmed police aide or traffic investigator appointed pursuant to A.R.S. § 28-627 may serve any process originating out of a municipal court in the municipality in which the person is employed, except process resulting from a citation obtained from photo radar or a red light camera issued for a violation of § 28-701 or § 28-644 or of a city or town ordinance for excessive speed or failure to obey a traffic control device. Service may only be accomplished during the hours the municipal court is open for the transaction of business and only on court premises.</p>
<p>CHAPTER 168 HB 2283 Go to full text</p>	<p>MOTOR VEHICLE FINANCIAL RESPONSIBILITY Applicability of the statute (A.R.S. § 28-4137) authorizing the court to reduce, waive or suspend imposition of the civil penalty established for a motorist's failure to produce evidence of financial responsibility on request of a law enforcement officer is extended to taxis, limousines, executive sedans or sedans, as those vehicles are newly defined. Effective July 1, 2004.</p>
<p>CHAPTER 207 SB 1283 Go to full text</p>	<p>ALCOHOL TESTING FOR WATERCRAFT OPERATORS The refusal of a person operating a motorized watercraft underway within the state to submit to a test for alcohol concentration or drug content when arrested for boating while intoxicated no longer is a petty offense and the former \$300 fine becomes a \$750 civil penalty.</p>
<p>CHAPTER 213 HB 2002 Go to full text</p>	<p>BREATH TESTING / IGNITION INTERLOCK DEVICES The authority to adopt rules prescribing the approval of quantitative preliminary breath testing devices, rules prescribing methods and procedures for the administration of breath tests to determine alcohol concentration, and rules prescribing the approval of methods for the analysis of blood or other bodily substances to determine blood alcohol concentration, as well as issuing permits to breath test operators, is transferred from the Department of Health Services (DHS) to the Department of Public Safety (DPS). Rules that relating to the regulation of breath tests and blood alcohol concentration adopted by DHS remain in effect and continue to be administered and enforced by DHS until superseded by rules adopted by DPS. Breath test operator permits issued by DHS continue in effect until revoked. The Department of Transportation Motor Vehicle Division (MVD) must send written notice of a certified ignition interlock device limitation to a person possessing a driver license, an unlicensed driver or a nonresident driver and, after consultation with the Director of DPS, may include information deemed necessary regarding certified ignition interlock devices.</p>
<p>CHAPTER 218 HB 2299 Go to full text</p>	<p>MOTOR VEHICLE IMPOUNDMENT Laws enacted in 2001 governing impoundment of a vehicle by a peace officer when the operator's driving privileges are revoked or suspended for particular offenses are amended. It is clarified in A.R.S. § 28-3512 that the vehicle may not be released except on specified conditions or order of a justice court, pursuant to procedures newly-outlined in § 28-3514. The latter statute removes responsibility</p>

	<p>for conducting poststorage hearings from the Department of Transportation Motor Vehicle Division and places it with the impounding law enforcement agency, imposing notice and procedural requirements. If the impounding agency does not provide the opportunity for a poststorage hearing, the hearing must be conducted by a justice court in the impounding agency's jurisdiction or the jurisdiction in which the owner, the spouse of the owner, the owner's agent or the person identified in the department's record as having an interest in the vehicle resides. A person seeking a poststorage hearing must file a request with the justice court and pay a fee equal to the fee established pursuant to § 22-281 for a small claims answer (\$9). The hearing must be conducted within five working days after receipt of the request. If a poststorage hearing is conducted by a justice court, the impounding agency must appear and "show evidence." Poststorage hearings conducted by a justice court are considered civil filings for the purposes of judicial productivity credits under § 22-125.</p>
<p>CHAPTER 228 SB 1206 Go to full text</p>	<p>PARKING FOR PERSONS WITH PHYSICAL DISABILITIES The \$50 maximum fine chargeable under A.R.S. § 28-885 against an operator, person in charge or owner of a vehicle parked in violation of laws regarding parking for persons with physical disabilities is made discretionary with the court.</p>
<p>CHAPTER 236 SB 1118 Go to full text</p>	<p>TRAFFIC SURVIVAL SCHOOL NOTIFICATION A law enforcement officer or a jurisdiction issuing a citation to a person who violates A.R.S. § 28-645 (red light) or § 28-647 (flashing red light) must provide written notice that if eligible, the person may attend defensive driving school or, if not eligible or if the person chooses not to attend defensive driving school and is convicted of or enters a plea of responsible to the violation, the person must attend and successfully complete traffic survival school training and educational sessions (TSS). The notice must include a reference to red light violations and state that if the person is required to attend TSS the person will receive notice from the Department of Transportation Motor Vehicle Division.</p>
<p>CHAPTER 258 HB 2294 Go to full text</p>	<p>MOTOR VEHICLE OMNIBUS Among the variety of changes to Title 28, most concerning vehicle titles and licensing, are amendments to A.R.S. § 28-1098 that enhance penalties for violation of vehicle load restrictions under certain circumstances. If damage or injury is not caused, the motorist may be assessed a civil penalty up to \$250 for a first violation and up to \$350 for a second or subsequent violation in 60 months. The penalty may be up to \$500 if the violation results in an accident causing serious physical injury and up to \$1,000 if the accident causes death.</p>

BILLS THAT FAILED TO PASS

Number	Description
<p>SB 1024 Go to full text</p>	<p>JUSTICE COURT ENHANCEMENT This bill sought to raise the age and educational qualifications for justices of the peace and establish a pre-election orientation program for candidates for the office. The bill also would have altered the calculation of judicial productivity credits, for</p>

	example, by including small claims filings heard by hearing officers, raising from 500 to 700 the credits needed to receive the maximum salary and prohibiting a justice of the peace with 700 or more judicial productivity credits from sitting as a municipal court judge or receiving pay for service on any other court.
SB 1031 Go to full text	JUSTICE OF THE PEACE PRO TEMPORE A.R.S. § 22-121 would be amended to provide that a person not admitted to the practice of law could serve as a justice of the peace pro tempore if the person previously had served as a justice of the peace.
SB 1210 Go to full text	HATE CRIME SENTENCING The court would have discretion to increase the sentence of a person convicted of a misdemeanor offense if the court finds the offense was committed out of malice toward the victim because of the victim's race color, religion, national origin, sexual orientation, gender or disability.
SB 1288 Go to full text	CIVIL ACTIONS FOR SEX ACTS AGAINST MINORS A civil action based on a sexual act committed against a minor would be subject to restrictions on the use of parties names and a specialized statute of limitations, for example, extending the time for commencement to age 28 or within three years after the victim's memory, knowledge, understanding, acceptance and volition coalesce to allow the victim to discover the causal connection between injuries sustained and the perpetrator's wrongful conduct. Same as HB 2457.
SB 1341 Go to full text	USE OF COURT COLLECTIONS A portion of all fees, fines, forfeitures and civil penalties imposed and collected by municipal and justice courts would be deposited in a fund for use by the Department of Public Safety (DPS) for overtime associated with highway patrol officers and for purchase of operational equipment, including less-lethal electro-muscular disruption weapons (tasers); lighter, thinner and more breathable body armor; deployable tire-deflation devices for vehicle pursuits; and, breath alcohol detection devices. (Also see SB 1139 establishing a DPS "parity compensation fund" for annual salary adjustments for law enforcement personnel, with no specific source of funding.)
SCR 1002 Go to full text	JUSTICE OF THE PEACE PRO TEMPORE Article VI, section 31 of the state constitution would be amended to state that justices of the peace pro tempore need not be members of the bar.
HB 2089 Go to full text	REVIEW OF SPECIAL DISTRICT DECISIONS A person aggrieved by a decision of the governing body regarding a boundary change of a fire district, community park maintenance district or sanitary district could appeal to the superior court rather than the board of supervisors.
HB 2203 Go to full text	PSYCHIATRIC SECURITY REVIEW BOARD AUTHORITY A person found guilty except insane committed to the Arizona State Hospital under A.R.S. § 13-502 later could be referred back to the court for a determination of the remaining terms upon a finding by the Psychiatric Security Review Board that the person no longer suffers from a mental disease or defect but cannot be placed on conditional release because the person is still dangerous. The court would conduct a hearing and make findings as to the least restrictive alternative available relative to

	the person's current mental condition and behavior. A person would have the right to judicial review in the superior court of any decision specifically impacting the liberty interests of a person under the board's jurisdiction.
HB 2247 Go to full text	ORDERS OF PROTECTION Except for emergency orders, a court would be required to hold a hearing before issuing an order of protection pursuant to A.R.S. § 13-3602. A plaintiff who knowingly violates any term or condition of an order of protection issued in the plaintiff's favor would be subject to arrest and prosecution for interfering with judicial proceedings and any other crime that may have been committed in disobeying the order.
HB 2261 Go to full text	JURY TRIALS IN PARENT-CHILD RELATIONSHIP CASES A parent who is subject of a petition to terminate the parent-child relationship pursuant to A.R.S. § 8-532 would have the right to trial by jury.
HB 2297 Go to full text	PHOTO RADAR VIOLATIONS The first speeding violation under A.R.S. § 28-701 within two years would not be considered for license suspension or revocation insurance purposes or for proposes of determining insurability, nor should automobile insurance be cancelled or not renewed for the violation if photo radar was used. The notice of a photo radar violation would have to indicate that whether or not defensive driving school is selected, the violation could not be so considered.
HB 2301/2332 Go to full text	SEX OFFENDER RESIDENCE CLUSTERING Twice offered in somewhat different versions as strike-everything amendments to the bills noted, this measure would have prohibited persons convicted of sex crimes from residing within a quarter mile of another convicted sex offender. In one version, the restriction would have been limited only to persons on probation.
HB 2457 Go to full text	CIVIL ACTIONS FOR SEX ACTS AGAINST MINORS A civil action based on a sexual act committed against a minor would be subject to restrictions on the use of parties' names and a specialized statute of limitations, for example, extending the time for commencement to age 28 or within three years after the victim's memory, knowledge, understanding, acceptance and volition coalesce to allow the victim to discover the causal connection between injuries sustained and the perpetrator's wrongful conduct. Same as SB 1288.
HB 2471 Go to full text	INTERSTATE ENFORCEMENT OF PROTECTION ORDERS This measure would establish a comprehensive system for recognition of protection orders issued by other states, protectorates or Indian nations with authority to issue such orders and provide a mechanism for registration and judicial and nonjudicial enforcement of such orders in Arizona. (But see A.R.S. § 13-3602(R), which already offers full faith and credit to foreign orders.)
HB 2472 Go to full text	DOMESTIC VIOLENCE OMNIBUS Among the various elements of this bill were provisions that under prescribed circumstances would prohibit the release of a person arrested for a domestic violence offense unless the court determines the person does not pose a danger to another person and can provide conditions of release that will reasonably assure the safety of

	<p>the other person; increase the classification or sentence of a domestic violence offense; require before releasing on probation or intensive probation a defendant found guilty of a domestic violence offense that the court state on the record that the safety of the victim and other specifically designated persons has been considered; increase the time a person sentenced for aggravated domestic violence must spend in jail or prison before release; provide, when two or more persons have committed a domestic violence offense, that a law enforcement officer attempt to determine who was the primary aggressor and presume that arrest is not the appropriate response for the person who was not the primary aggressor; increase penalties for violation of an order of protection; and, establish an internet domestic violence offender web site, listing persons who have been convicted of an offense involving domestic violence.</p>
<p>HB 2499 INEFFECTIVE COUNSEL Go to full text</p>	<p>In any criminal case, if an attorney is subsequently found to be ineffective and the attorney's client is denied the constitutional right to effective counsel, the attorney would not be permitted again to represent a client in a criminal case until completing a course of instruction prescribed by the Arizona Supreme Court at the attorney's expense.</p>
<p>HB 2508 ZONING ORDINANCE VIOLATIONS Go to full text</p>	<p>Any action imposing a fine or assessment on a person for a violation of a municipal zoning ordinance would have to be filed in the justice court precinct in which the violation occurred, removing that enforcement authority from the municipality's legislative body.</p>
<p>HB 2522 VICTIMS' RIGHTS OMNIBUS Go to full text</p>	<p>The rights of crime victims would be expanded by, among other things, allowing a court to order restitution in cases where the defendant is found guilty but insane; providing the victim standing to intervene in an appeal or to petition for review in any other appellate proceeding seeking to enforce any right of the victim; permitting the victim to be heard at each sentencing proceeding pursuant to a newly-proposed A.R.S. § 13-4426, granting a victim the right to be heard as a party and not as a witness and prohibiting disclosure of the victim's statement before made in open court; allowing a victim in any post-conviction proceeding in which an extension of time to file a brief or pleading is requested the right to notice of the request and to be heard on the request before an extension is granted; and, clarifying the right of a victim at any court proceeding not to testify publicly regarding the victim's addresses, telephone numbers, place of employment or other locating information unless the victim consents or the court orders disclosure on finding that a compelling need for the information exists. See SB 1267 (Chapter 255), by which some of these measures ultimately were enacted.</p>
<p>HCR 2007 SENATE CONFIRMATION OF APPELLATE JUDGES Go to full text</p>	<p>A proposed amendment to Article VI, section 37 of the state constitution requiring approval of the voters would require the Governor to submit for consent of the Senate nominees for appellate court judgeships, who the Governor then shall appoint.</p>
<p>HCR JUDICIAL POWER</p>	

<p>2010 Go to full text</p>	<p>The 2004 general election would carry the question of amending Article VI, Section 1 of the state constitution vesting judicial power in an integrated judicial department by adding a provision stating: "Because the legislature and the people are vested with the sole authority to establish laws in light of the public interest and the courts are vested with the sole authority to adjudicate cases by applying those laws to the facts of applicable cases pursuant to Article III, the courts shall not establish rules of law on a retroactive basis, including rules of law that would apply to conduct that occurred before the filing of a claim arising out of that conduct."</p>
<p>HCR 2019 Go to full text</p>	<p>JUDGES' RETIREMENT AGE Voters would be asked to amend the state constitution by raising the mandatory retirement age of judges and justices of courts of record from 70 to 75 years of age.</p>
<p>HCR 2020 Go to full text</p>	<p>SENATE CONFIRMATION OF JUDICIAL APPOINTMENTS A proposition submitted to the voters would amend the state constitution to require Senate confirmation of each person nominated by the Governor for justice or judge of a court of record and also require Senate reconfirmation every four years. Nominees could be proposed by the "Governor's own choosing" without review by or approval of the Commission on Trial Court Appointments.</p>
<p>HCR 2021 Go to full text</p>	<p>SUPREME COURT JURISDICTION Voters would be asked to amend Article VI, Section 5 of the state constitution to make the procedural and evidentiary rule making authority of the Arizona Supreme Court subject to amendment or repeal by the legislature or the people by initiative or referendum and to state that the authority to enact substantive, procedural and evidentiary laws is a legislative power inherent in the legislature and the people.</p>

VETOED

Number	Description
<p>SB 1314 Go to full text</p>	<p>APPEALS TO TAX COURT A corporate income or transaction privilege and use taxpayer aggrieved by a determination of the Department of Revenue would have been permitted, after an informal conference with the Department, to bring an action directly to the tax court without first exhausting administrative remedies. The Governor stated that: "It is neither appropriate nor fair to other users of the court system to further burden the courts with tax matters that the Department of Revenue might still resolve to the taxpayer's satisfaction" and also commented on the anticipated burden to the Attorney General's Office.</p>
<p>HB 2111 Go to full text</p>	<p>FORECLOSURE AND TRUSTEE SALES This bill would have made a number of clarifying and modifying amendments to laws relating to deeds of trust and sales of trust property and specifically overruled the holding of the Arizona Supreme Court in <i>Krohn v. Sweetheart Properties</i>, 203 Ariz. 205, 52 P.2d 774 (2002) by making final, regardless of amount, the purchase price bid at a trustee sale. The Governor expressed concern with this attempt, stating: "While I realize that the situation presented in the <i>Krohn</i> case does not occur every day, I am</p>

troubled by the specificity of the language in the bill requiring that purchaser's bid price be deemed adequate for all purposes. There must be a balance between the rights of lenders to recover their debts and the abilities of the debtors to receive a fair price for property that is sold at auction. House Bill 2111 does not strike that balance."

**HB
2259**
[Go to
full text](#)

DOMESTIC RELATIONS COMMITTEE MEMBERSHIP

The number of parent and legislative members of the Domestic Relations Committee of the legislature, on which representatives of the Judicial Branch serve, would have been altered. The Committee was established in 1994 with various purposes, primarily to recommend changes to the domestic relations statutes, rules and procedures and other related issues designed to lead to a reform of the state's domestic relations statutes. In her veto message, the Governor disapproved of changing the makeup of such an important and non-partisan commission on "obvious partisan political grounds."