



2004 Legislative Summary

Second Regular Session of the 46th Legislature

The 2004 Second Regular Session of the 46th Arizona Legislature ended Wednesday, May 26, at 9:58 p.m. This session was the third for the Judicial branch under the administration of Chief Justice Charles E. Jones, and his strategic policy agenda for the state's courts contained in *Justice for a Better Arizona*. This past session was a particular challenge for the Chief Justice and the Justices of the Arizona Supreme Court. The focus of the 2004 session by many at the Arizona Capitol was on proposed legislative changes to the state's courts and judicial officers.

There were 37 bills which proposed policy changes to the judiciary through legislative, budgetary, and constitutional amendments that required voter approval. The Senate and House Judiciary committees dedicated entire agendas solely to many of these proposed changes. There was a substantial amount of time spent meeting with individual legislative members, Senate and House leadership and committee chairs, and providing committee testimony from court officers, representatives and other interested parties.

Concern was significant enough this past session to witness direct involvement by members of the Arizona business community. The Arizona Business Roundtable was formed, and meets periodically to review the potential impact of proposed legislation targeting the Arizona judiciary. Business leaders and private sector legislative advocates were already focused on the practical effects of previous budget cuts to the state court system and the commensurate impact on business priorities. One budget shortfall that drew particular concern from business leaders was the lack of adequate funding for Division I and II of the Arizona Court of Appeals, and the increased time between when petitions were filed, court review, and the issuance of the final opinion. A number of trade groups, corporate CEOs and company representatives communicated their varying degrees of concern directly to legislators throughout the session.

In 2004, the concern again focused on adequate funding for the Judicial Branch, but also included specific proposed changes to the courts. This included eliminating the merit selection of judges and placing judges on the bench by popular election; transferring the Judicial Branch rulemaking authority to the legislature; requiring a partisan label for judges running for office; changing the composition of the judicial nominating commissions and requiring senate confirmation; repeated legislative reconfirmation of judges after a set term of office; and in one proposal, the Supreme Court would relinquish its authority over justice courts and prescribe administrative authority over all the courts to the legislature.

One by one, court officials and representatives, and community stakeholders responded to each of the 2004 legislative proposals that impacted the courts. And, one by one, each bill received measured review and consideration, weighing the unintended consequences. The objective of the Chief Justice and the Supreme Court this past session, was to provide a thorough and frank discussion of the unique nature and constitutional authority of the third branch of government and the importance of keeping politics and partisanship out of the application of equal justice under the rule of law.

Detailed here are the bills of interest to the Arizona Judiciary for the 2004 regular session. They are cross-referenced in different formats to aide review. The bill narratives were written by Administrative Office of the Courts (AOC) legislative staff.

The general effective date for 2004 enactments not containing an “emergency” clause, or other specified date is the 91st day after the Legislature adjourns the session (sine die). For this past regular legislative session, the general effective date is at 12:01 a.m., August 25, 2004.

For 2004 there were a total of 1,127 bills introduced. Of those, the Legislature approved 351. Of those, the Governor has signed 343 bills and vetoed 8 bills. In addition, there were 122 Memorial Resolutions introduced, of which 18 were approved by the legislature.

The Administrative Office of the Courts expresses its appreciation to the staff of the Arizona State Senate, the Arizona House of Representatives, Governor Janet Napolitano’s office, and Attorney General Terry Goddard’s office for their assistance and coordination throughout the 2004 legislative session, and during the preparation of this publication. This document is intended to provide general information about new legislation of interest to the Arizona court community, and should not be relied upon for official purposes. Please refer to the Arizona Legislative Service of West Publishing, the official chapter laws as released by the Arizona Secretary of State for complete and specific information on newly-enacted legislation.

Any comments or inquiries should be referred to the Legislative Staff at the Administrative Office of the Courts, 1501 W. Washington, Suite #411, Phoenix, Arizona 85007, 602-542-9361.

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This publication is also available on the Internet at www.supreme.state.az.us. The web site will provide the summaries contained here, links to the actual chapter laws and opportunities to contact the AOC legislative staff via e-mail addresses.



Administration and General

**Ch. 3
HB 2128**

JUSTICE COURT FEES (Rep. Hubbs, et al)

The fee for small claims service by mail is raised from three to eight dollars. The original fee was set 12 years ago pursuant to Laws 1992, Ch. 8 §3. The increase reflects the actual cost of mail service as reported by the United States Postal Service.

**Ch. 25
HB 2180**

PHYSICIANS; REFERRALS; REIMBURSEMENT (Rep. Bradley, et al)

Allows physicians to accept payments from a medical researcher in connection with identifying and monitoring patients for a clinical trial. Currently, a person who knowingly offers, delivers, receives or accepts any rebate, refund, commission, preference or other consideration as compensation for referring a patient to any individual, pharmacy, laboratory, clinic or health care institution providing medical or health-related services is guilty of: A class 3 felony, if the consideration had a value of \$1,000 or more, a class 4 felony, if the consideration had a value of \$100-\$1,000 or more, a class 6 felony, if the consideration had a value of \$0-\$100 or more. The bill also clarifies that accepting payments from a medical researcher in connection with identifying and monitoring patients for a clinical trial is not an act of “unprofessional conduct”.

**Ch. 39
HB 2138**

SUPREME COURT PERFORMANCE AUDIT (Rep. Nelson, et al)

The auditor general is directed to conduct a performance audit of programs and funds administered by the Supreme Court. In addition, the Auditor General shall conduct an initial performance audit of the Administrative Office of the Courts and submit the report before October 15, 2006.

Similar provisions found in HB2260 (Ch. 69)

**Ch. 69
HB 2260**

JCEF EXPENDITURES AND REPORTS (Rep. Huffman, et al)

Courts are now permitted to spend JCEF monies without seeking further approval from the Supreme Court **only if** 1) the proposed project was described in the information technology strategic plan submitted by the court and approved by the Supreme Court, including a proposed budget for the project, and 2) the proposed expenditure is less than a threshold amount to be established by the Supreme Court. In the case of the superior court, the presiding judge and clerk of the superior court must agree on the project or it shall be submitted to and approved by the Supreme Court.

In addition, directs the auditor general to conduct a performance audit of programs and funds administered by the Supreme Court. **Similar provisions found in HB2138 (Ch. 39)**

**Ch. 77
HB 2570**

**CLOSING TIME FOR LICENSED LIQUOR PREMISES
(Rep. Reagan, et al)**

Extends the time that a retailer may sell, dispose of, deliver or give spirituous liquor to a person by one hour and extends the time an on-sale retailer may allow a person to consume or possess spirituous liquor by one hour and fifteen minutes.

**Ch. 80
SB 1076**

JUSTICE OF THE PEACE PRO TEMPORE (Sen. Jarrett)

The qualifications for the position of Justice of the Peace (JP) pro tempore are amended, stating that JP pro tems need not be members of the bar.

Conditionally enacted upon passage of constitutional amendment SCR 1009 at the 2004 general election.

**Ch. 98
SB 1049**

PRESIDING JUSTICE OF THE PEACE (Sen. Jarrett)

A new section of law (A.R.S. §22-103) requires that in counties with two or more justice courts, the justices of the peace in that county select one presiding Justice of the Peace (JP) and one alternate presiding JP. No specific administrative duties are outlined in the statute.

In 1993, Chief Justice Stanley Feldman issued Administrative Order 93-30, providing for selection of a presiding JP in counties with four or more justice courts.

**Ch. 110
HB 2132**

POWER ENTITIES; CONFIDENTIALITY (Rep. Nelson, et al)

Prohibits a public power entity and an electric utility to release customer-specific information unless prior written consent from the customer is given. Exempts the utility company if the information is required in order to conduct account collection activities, or to provide safe and reliable service to the customer.

**Ch. 117
HB 2200**

VITAL RECORDS HEALTH STATISTICS (Rep. Gullett, et al)

The statutes governing vital records and public health statistics (A.R.S. Title 36, Ch. 3) are repealed and rewritten. Among the many new provisions of law, if an acknowledgement of paternity is rescinded due to a paternity dispute, the registrar must remove the listing for the father's name from the registered birth certificate.

**Ch. 131
SB 1222**

VICTIM RIGHTS STATEMENT (Sen. Brotherton, et al)

A new section of law (A.R.S. §13-4438) is added, requiring judges of the superior court to read a victim rights statement at the daily commencement of the regular criminal docket. The statement reads:

If you are the victim of a crime with a case pending before this court, you are advised that you have rights under Arizona law that, among others, include the right to be treated with fairness, respect and dignity, to a speedy trial, to be present at court proceedings, to choose whether or not to be interviewed by the defendant or the defendant's attorney, to be heard before the court makes a decision on release, negotiation of a plea, scheduling and sentencing and to receive restitution from a person who is convicted of causing your loss. If you have not already been provided with a written statement of all victims' rights, please contact the victim services division of the prosecutor's office.

**Ch. 139
HB 2382**

SOCIAL SECURITY NUMBERS (Rep. C. Gray, et al)

The government's use of complete social security numbers is restricted only to the Department of Revenue, law enforcement agencies, and the Industrial Commission provided they comply with A.R.S. §44-1373. Other agencies may only use the last four numbers of an individual's social security number.

**Ch. 142
HB 2452**

SEX OFFENDER ASSESSMENTS (Rep. R. Pearce, et al)

The Department of Public Safety's authority to charge sex offender monitoring fees is repealed. In place of the monitoring fee, a new section of law (A.R.S. §13-119) is added that imposes a \$250 assessment on persons convicted of any offense for which the person would be required to register as a sex offender pursuant to A.R.S. §13-3821. In addition, persons who fail to comply with sex offender registration requirements are required to pay the \$250 assessment. The assessment may not be waived by the court and is not subject to any surcharge.

**Ch. 149
HB 2547**

INSURANCE INQUIRIES; USE BY INSURER (Rep. Huffman, et al)

This bill prohibits an insurer from considering an inquiry by an insured as to the terms or coverage of a policy as a basis for declining, non-renewing or canceling insurance. The bill also specifies that an inquiry is not a claim unless an actual claim is filed by the insured that results in an investigation by the insurer.

**Ch. 153
HB 2609**

JURY SERVICE (Rep. Graf, Robson)

Various changes are made to the laws governing jury service, including: 1) compensation of \$40 per day from the Arizona Lengthy Trial Fund to unemployed jurors who serve 10 days or longer; 2) automatic postponement for a prospective juror if he or she has not been granted two prior postponements; and 3) increased flexibility for the jury commissioner to determine the time period for postponements (previously limited to three months).

Emergency effective date of April 23, 2004

**Ch. 157
SB 1247**

PEACE OFFICER DISCIPLINARY HEARINGS (Sen. Weiers, et al)

Various substantive and procedural changes are made to the statutes governing law enforcement officer disciplinary hearings. When a peace officer appeals a disciplinary action, both parties must disclose all relevant documents and a list of all witnesses within a prescribed timeframe. In addition, the first request for a change of hearing officer or administrative law judge by either party shall be granted.

**Ch. 158
SB 1269**

PUBLIC RECORDS (Sen. Burns et al)

Public agencies are now required to provide, upon request, an index of records that have been withheld from a public records request. The agency shall not include in the index any information made confidential by statute or court order. Agencies exempt from the index reporting requirement are: Department of Public Safety, Department of Transportation Motor Vehicle Division, Department of Juvenile Corrections, and Department of Corrections.

**Ch. 160
HB 2076**

AGENCY BANK ACCOUNTS; CUSTODY (Rep. Huppenthal)

Clarifies the definitions of convenience fee, discount fee and processing fee. The bill prohibits any state agency or budget unit from establishing a bank account for any government monies and mandates that all state agency and other monies received by this state must be deposited with and in the custody of the State Treasurer or in an account authorized by the State Treasurer. The bill also exempts private state agency or budget unit bank accounts statutorily authorized to be kept separate from the State General Fund from being placed under the custody of the State Treasurer. Requires all state agencies and budget units to transfer all monies that are kept in private bank accounts to the State Treasurer on or before January 1, 2005, for deposit in separate accounts, as determined by the State Treasurer.

**Ch. 161
HB 2225**

LOCATING PROBATION ABSCONDERS (Rep. Tully)

The Department of Revenue (DOR) must now provide the court with the home address and any additional taxpayer identification numbers used by the taxpayer whose debt for a court obligation is referred for setoff and who is identified by the court a probationer on absconder status regardless of whether or not the absconder is entitled to a refund. Previously, DOR was only authorized to provide the court with taxpayer information for persons whose debt was referred for setoff and were entitled to a refund. Thus, this measure will expand the ability of the probation departments to locate probation absconders.

**Ch. 180
HB 2383**

PUBLIC INFORMATION; CONFIDENTIALITY (Rep. C. Gray, et al)

This bill prohibits the disclosure of a peace officer's photograph from his or her personnel file with the following exceptions: A law enforcement agency may release a peace officer's photograph from the officer's personnel file if that officer is charged by complaint, information or indictment of a misdemeanor or felony and the agency may use the officer's personnel photograph to assist a person with a complaint against an officer for the purpose of identifying an officer. Another exception includes a request from a newspaper representative for a specific newsworthy event, unless the peace officer is undercover or is scheduled to be undercover within 60 days; the release of the photograph is not in the best interest of this state, or a peace officer or prosecutor files an affidavit with the presiding judge of the superior court in the county in which the affiant resides, requesting to prohibit the release of the photograph.

**Ch. 184
SB 1250**

ELECTION AMENDMENTS; HELP AMERICA VOTE (Sen. Jarrett)

Makes changes to election laws to comply with the Help America Vote Act. The bill requires the clerk of the Superior Court or District Court to file an official notice with the Secretary of State when an action is taken in the court that makes a person ineligible to vote and clarifies that in the event of a court ordered recount of votes for a state primary, general or special election, the tabulating system shall be furnished and programmed under the supervision of the Secretary of State.

<p>Ch. 191 HB 2397</p>	<p style="text-align: center;">HEALTH CARE INSTITUTION RECORDS (Rep. Arnold, Gullett)</p> <p>Numerous changes are made to the laws governing medical records to conform state law to the federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Standards regulations.</p>
<p>Ch. 199 HB 2193</p>	<p style="text-align: center;">DEVELOPMENTAL HOMES (Rep. Gullett, et al)</p> <p>The Department of Economic Security (DES) will assume the duties of the Department of Health Services (DHS) and ensure that each adult developmental and child developmental foster home satisfies proper sanitation requirements. DES is mandated to take any action necessary to ensure requirements are met, including suspending or revoking licenses of homes that are out of compliance.</p>
<p>Ch. 204 HB 2646</p>	<p style="text-align: center;">COMMUNITY ACCOUNTABILITY PROGRAM (Rep. Konopnicki)</p> <p>The Community Accountability Pilot Program (Program) is established to reduce recidivism, among other goals, for nonviolent offenders who are either on or are eligible for community supervision.</p> <p>The Board of Executive Clemency may place an offender on electronic monitoring and order participation in the Program only if the offender has violated a condition of community supervision, but has not committed an additional offense.</p>
<p>Ch. 210 HB 2502</p>	<p style="text-align: center;">GOVERNMENTAL PROCUREMENT (Rep. Thompson)</p> <p>State and local governments are directed to set aside at least one percent of new purchases and contracts for any products, materials or services for Arizona industries for the blind, certified nonprofit agencies for disabled individuals and Arizona correctional industries.</p> <p>Although the judicial branch is not subject to the procurement code outlined in A.R.S. Title 41, Chapter 23, it is nonetheless directed, (pursuant to A.R.S. § 41-2501(E)), to adopt rules substantially equivalent to the state procurement policies and procedures.</p> <p>This measure is effective from January 1, 2005 to July 1, 2009.</p>

<p>Ch. 217 SB 1343</p>	<p style="text-align: center;">INVESTMENT REPORTS OF STATE MONIES (Sen. Verschoor, et al)</p> <p>The state treasurer and the Public Safety Personnel Retirement System (PSPRS) fund manager must submit reports to the Senate Finance Committee and the House Government & Retirement Committee, on or before January 10 and July 10 of each year, on the economic impact of global security risks of investments of state monies and PSPRS fund monies respectively.</p>
<p>Ch. 223 SB 1090</p>	<p style="text-align: center;">STATE EMPLOYEE COMPENSATION STUDY COMMITTEE (Sen. Tibshraeny, et al)</p> <p>The Joint Legislative Study Committee on State Employee Compensation (Committee) is established to study the various state personnel systems and compensation, including salary, benefits, turnover, and comparisons to other public and private employers. The Committee shall report its findings on or before December 1 of each year until September 30, 2007, at which point the Committee is repealed.</p>
<p>Ch. 224 SB 1158</p>	<p style="text-align: center;">TUITION WAIVERS (Sen. Waring, et al)</p> <p>The school tuition waiver provisions found in A.R.S. §15-1808 are expanded to include: 1) a member of the Arizona National Guard who received a purple heart on or after September 11, 2001 or a former member of the Arizona National Guard who was medically discharged due to an injury or disability suffered during weekend or annual training or in response to a state emergency; or 2) a correctional officer who is responsible for supervision of inmates in a state, county or municipal corrections institution.</p>
<p>Ch. 231 HB 2182</p>	<p style="text-align: center;">ALCOHOL DETOX STUDY COMMITTEE (Rep. Carruthers, et al)</p> <p>The Study Committee on Regional Alcohol Detoxification Centers (Committee) is established to review federal and state laws that impact the use of behavioral health services for alcohol and substance detoxification centers, identify treatment models that may be successful in regions of this state and study the detoxification services provided by communities outside of Arizona, among other goals. The Committee shall submit its report on or before November 16, 2004. The Committee is repealed after September 30, 2005.</p>

<p>Ch. 241 SB 1388</p>	<p style="text-align: center;">STATE EMPLOYEE MENTOR PROGRAM (Sen. Martin)</p> <p>The Director of Arizona Department of Administration (ADOA) shall establish procedure rules that encourage and allow state employees to engage in activities that support mentoring, education and youth development of school age youths.</p>
<p>Ch. 256 HB 2558</p>	<p style="text-align: center;">SPECIAL EDUCATION; FOSTER PARENT DEFINITION (Rep. Allen et al)</p> <p><i>Foster parent</i> is re-defined in the statute governing the Individual Education Program (a group whose task is to establish an appropriate education plan for a child with a disability) to provide that the foster parent be designated by a “court of competent jurisdiction”.</p>
<p>Ch. 260 SB 1275</p>	<p style="text-align: center;">PETROLEUM INDUSTRY INFORMATION (Sen. Tibshraeny, et al)</p> <p>A new article of law is added (A.R.S. Title 44, chapter 9, article 18) governing confidentiality of petroleum industry information. A governmental entity shall classify as confidential and not disclose to the public any documents received from a petroleum industry related source, unless the governmental entity determines that there exists no trade secret or other legitimate justification for the confidentiality claim. If the government determines there is no justification for confidentiality, the government shall submit a written decision to the person or entity who submitted the information before disclosing the information to the public. The person or entity who submitted the information may then seek judicial intervention to block public disclosure of that information. Government entity is defined to exclude the courts of the state.</p>
<p>Ch. 265 HB 2034</p>	<p style="text-align: center;">SERVICE ANIMALS; CLASSIFICATION (Rep. Thompson)</p> <p>Failure to yield and take reasonable precautions to avoid injury to a legally blind person who is assisted by a cane, service animal or other person is classified as a class two misdemeanor under A.R.S. §11-1024.</p> <p>All other crimes presently listed under A.R.S. §11-1024 are reclassified from a class one misdemeanor to a class two misdemeanor.</p>

<p>Ch. 288 HB 2009</p>	<p style="text-align: center;">REGULATORY REFORM (Rep. Huppenthal)</p> <p>Contested cases (proceedings which have an administrative hearing prior to an appealable agency action) are subject to the same notice requirements and requests for hearings. Also, burden of proof statutes for administrative hearings are altered. These changes come from recommendations by the Regulatory Reform and Enforcement Study Committee in its final report.</p>
<p>Ch. 298 HB 2470</p>	<p style="text-align: center;">BUILDING LIFE EXTENSION STUDY (Rep. Pearce et al)</p> <p>Prior to the request of funding for the replacement of a building of 25,000 square feet or greater, Arizona Department of Administration (ADOA), Arizona Board of Regents (ABOA) and Arizona Department of Transportation (ADOT) are required to submit a building life extension study. The study shall include the current service life of the building and a comparison of the cost of extending the life of the building with the cost or replacing it.</p>
<p>Ch. 307 SB 1256</p>	<p style="text-align: center;">WORKER'S COMPENSATION; INSURANCE (Sen. Leff)</p> <p>Changes are made to the amount required as a deposit to the state treasurer to offer worker's compensation insurance. Reimbursement procedures for compensation from the State Compensation Fund for unpaid claims by an insurer or employee are altered.</p>
<p>Ch. 310 SB 1351</p>	<p style="text-align: center;">ACCESS TO INFORMATION TECHNOLOGY (Sen. Mitchell, et al)</p> <p>Mandates that state budget units provide similar access to electronic or information technology for individuals with disabilities in accordance with Federal Law. The bill requires the Arizona Department of Administration (ADOA) to establish a complaint procedure for all budget units that is consistent with Federal Law to be used by an individual with a disability who alleges that a budget unit failed to comply with the guidelines and also requires the Supreme Court to establish a complaint procedure for the courts that is consistent with Federal Law. The bill also clarifies that this act applies only to electronic or information technology that begins or is contracted on or after the adoption of administrative rules by ADOA..</p>

<p>Ch. 311 SB 1353</p>	<p style="text-align: center;">TOBACCO DELIVERY SALES (Sen. Leff)</p> <p>Requirements for delivery sales of tobacco are established including age verification of the recipient, shipping requirements, registration and reporting requirements, and taxes imposed on the delivery sales. Violations of the statute are classified as a class 5 felony with additional civil penalties unless committed by a minor.</p>
<p>Ch. 314 HB 2012</p>	<p style="text-align: center;">TECHNICAL CORRECTIONS (Rep. Huppenthal)</p> <p>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. Retroactive application with varying effective dates.</p>
<p>Ch. 330 SB 1050</p>	<p style="text-align: center;">ELECTION LAW AMENDMENTS (Sen. Jarrett)</p> <p>In an election where no candidates for elected office appear on the ballot, the polling places may be consolidated by the board of supervisors, with proper notice. Also, electioneering and other political activity shall be allowed outside of the seventy-five foot limit of polling places, except in the case of an emergency. Those persons who pursuant to A.R.S. § 16-153 have their voter information sealed, may now request an early ballot. Provides various other amendments to election laws.</p>
<p>SCR 1009</p> <p>On Ballot Nov. 2004</p> <div style="border: 1px solid black; padding: 2px; width: fit-content;"> <p>Link not available</p> </div>	<p style="text-align: center;">JPS; PRO TEM QUALIFICATIONS (Sen. Jarrett et al)</p> <p>If approved by the voters, SCR 1009 amends the Arizona Constitution to stipulate that justice of the peace pro tempores must have the same qualifications as justices of the peace except that they need not reside in the precinct in which they serve.</p>



Civil

**Ch. 4
SB 1113**

EXPERT WITNESS CERTIFICATION (Sen. Leff, et al)

Civil actions against health care professionals are added to the types of cases where parties are required to file a preliminary expert opinion affidavit if expert testimony is necessary to prove the claim. The legislative intent section states that the purpose of this measure is to curtail the filing of frivolous lawsuits against health care professionals.

**Ch. 25
HB 2180**

**PHYSICIANS; REFERRALS; REIMBURSEMENT
(Rep. Bradley, et al)**

Allows physicians to accept payments from a medical researcher in connection with identifying and monitoring patients for a clinical trial. Currently, a person who knowingly offers, delivers, receives or accepts any rebate, refund, commission, preference or other consideration as compensation for referring a patient to any individual, pharmacy, laboratory, clinic or health care institution providing medical or health-related services is guilty of: A class 3 felony, if the consideration had a value of \$1,000 or more, a class 4 felony, if the consideration had a value of \$100-\$1,000 or more, a class 6 felony, if the consideration had a value of \$0-\$100 or more. The bill also clarifies that accepting payments from a medical researcher in connection with identifying and monitoring patients for a clinical trial is not an act of “unprofessional conduct”.

**Ch. 27
HB 2221**

UNIFORM COMMERCIAL CODE BULK SALES (Rep. Tully)

The statutory provisions governing bulk sales are repealed. This portion of the Uniform Commercial Code was enacted decades ago to protect against a form of fraud that no longer exists due to changed business practices.

**Ch. 28
HB 2223**

FORCIBLE ENTRY AND DETAINER APPEALS (Rep. Tully, et al)

Litigants appealing forcible entry and detainer actions are now required to file supersedeas and cost bonds with the justice court, while the case is pending appeal to the superior court. This change is necessary to conform statute to Rule 6 of the Superior Court Rules of Appellate Procedure which already directs that supersedeas and cost bonds be paid in the trial court.

<p>Ch. 30 HB 2228</p>	<p style="text-align: center;">CHARITABLE GIFT ANNUITIES (Rep. Carpenter)</p> <p>Establishes new requirements for organizations offering charitable gift annuities and adds to the list of information the organization must disclose to a donor and allows two years for a donor to bring action against a charitable organization if it is in violation of this law.</p>
<p>Ch. 31 HB 2233</p>	<p style="text-align: center;">CONSUMER REPORTING AGENCY; INFORMATION DISCLOSURE (Rep. Carpenter, Sen. Martin)</p> <p>Prohibits consumer-reporting agencies from providing or selling any personal or privileged information received through an insurance transaction.</p>
<p>Ch. 67 HB 2220</p>	<p style="text-align: center;">FOOD PRODUCT LIABILITY (Rep. Tully, J. Allen)</p> <p>An affirmative defense to a product liability action is now permitted if the defendant proves that the proximate cause of the incident or incidents giving rise to the action was the repeated consumption of a food product that is not defective and unreasonably dangerous if consumed in reasonable quantities.</p>
<p>Ch. 68 HB 2224</p>	<p style="text-align: center;">CONFIDENTIAL INSURER CLAIM FILES (Rep. Tully, Hubbs)</p> <p>Prohibits the Director of the Department of Insurance from disclosing confidential information obtained from an insurer's claim files unless requested or subpoenaed by the Attorney General, a county attorney, the court or a state or federal agency.</p>
<p>Ch. 100 SB 1140</p>	<p style="text-align: center;">REAL ESTATE OMNIBUS (Sen. Leff, Brown)</p> <p>This bill makes numerous changes to statutes regulating the real estate industry including increases to civil penalties assessed on a developer who violates a timeshare law or rule, from \$500 to a range of \$1,000 to \$5,000.</p>

<p>Ch. 115 HB 2195</p>	<p style="text-align: center;">CIVIL LIABILITY EXEMPTION (Rep. Gullett, et al)</p> <p>Immunity from civil liability for all actions brought under the elder abuse statutes (A.R.S. §§46-455, 46-456) is expanded to include certified emergency medical technicians, intermediate emergency medical technicians and paramedics when rendering emergency medical aid.</p>
<p>Ch. 135 HB 2059</p>	<p style="text-align: center;">ABANDONED PROPERTY (Rep. Thompson, et al)</p> <p>The court is directed to order excess proceeds from trustee sales that are fifty dollars or less and presumed abandoned, to be deposited in the county general fund. Currently the court is required to order the county treasurer to release excess proceeds from trustee sales, in any amount, to the party entitled to receive them.</p> <p>In addition, the measure extends from one to three years the time after which distributable property is deemed abandoned.</p>
<p>Ch. 148 HB 2516</p>	<p style="text-align: center;">UNIFORM TRUST CODE REPEAL (Rep. Boone, Sen. Jarrett)</p> <p>The uniform trust code (code) that was adopted by the Legislature in 2003 is repealed. The code was given a delayed effective date of January 1, 2004 which was later extended to January 1, 2006. Thus current Arizona trust laws found in Title 14 will continue to govern this area of law.</p> <p>The legislative intent section of the measure states that the legislature reaffirms the efforts of the national conference of commissioners on uniform state laws and intends to continue to analyze provisions of the code so that acceptable elements may be implemented to improve Arizona trust laws.</p>
<p>Ch. 154 HB 2681</p>	<p style="text-align: center;">HEALTH CARE PROVIDER LIENS (Rep. Gullett, et al)</p> <p>Among the many changes made to A.R.S. §§ 33-931 and 33-934, the court may now award reasonable attorney fees to the prevailing party in a lien action regardless of whether the prevailing party is the claimant.</p>

**Ch. 183
SB 1234**

RESIDENTIAL RENTAL PROPERTY (Sen. Leff)

If a residential rental property owner fails to report information to the county assessor as required by A.R.S. § 33-1902, the tenant of that property may choose to terminate the tenancy **only if** the tenant provides to the landlord, owner or managing agent of the property a written ten day notice to comply with the reporting requirements.

This new provision applies to any existing or new lease after the effective date of the measure (August 25, 2004).

**Ch. 189
HB 2250**

TRUSTEE SALES (Rep. Hubbs, Bradley)

If the trustee fails to comply with the requirements for properly applying and depositing monies upon the completion of a sale, the trustee forfeits any entitlement to the fees and costs. Any person with a recorded or other legal interest in the property at the time of the sale may commence a civil action against the trustee for the trustee's failure to apply and deposit the monies properly. The court may award the prevailing party reasonable attorney fees.

**Ch. 216
SB 1311**

**DISPUTE RESOLUTION IN MULTI-DWELLING ACTIONS
(Sen. Leff)**

Prior to the filing of a multi-dwelling action, purchasers must pursue alternative dispute resolution procedures, similar to present dwelling action requirements.

If no resolution is met and a civil lawsuit is filed, the seller's insurance company must treat a notice of a dwelling action as a notice of a claim subject to the insurance policy without affecting available coverage under the policy.

**Ch. 222
HB 2317**

RENTAL AGREEMENTS (Rep. McClure)

Rental agreements are now prohibited from providing that the tenant 1) agree to waive or limit the right to summon a peace officer or other emergency assistance in response to domestic violence, or 2) agree to pay monetary or other penalties for summoning a peace officer or other emergency assistance in response to domestic violence.

**Ch. 235
HB 2140**

MILITARY AIRPORT PLANNING (Rep. Nelson et al)

The Military Installation Fund is established to preserve military installations and fund enhancement projects. Multiple provisions of law pertaining to local government and Attorney General responsibilities are included.

Allows the Attorney General to file a civil action within 30 days of determination of non-compliance of a proposed plan in a high noise or accident potential zone from a municipality, county or political subdivision.

**Ch. 239
HB 2539**

CONDEMNATION APPRAISALS (Rep. Landrum Taylor, et al)

In a proposed condemnation action, the governmental entity that initiated the action must provide the owner with all available appraisals. If the owner of a residential property disagrees with the offer and appraisal the owner may obtain a second appraisal paid for by the governmental entity. In addition, the court may award fees and other expenses to any party other than the governmental entity.

Actions for acquisition of property for public safety, transportation, flood control or utility purposes are not subject to these new requirements.

**Ch. 250
SB 1197**

DISMISSAL OF CONDEMNATION ACTIONS (Sen. Tibshraeny, et al)

In condemnation actions where the proceeding is dismissed on a motion by the plaintiff because both parties agree to settle out of court, both parties must pay their own costs, disbursements, expenses and attorney fees unless otherwise specified in the settlement agreement.

**Ch. 267
HB 2310**

DISPOSITION OF ABUSED OR VICIOUS ANIMALS (Rep. McClure)

A new section of law (A.R.S. § 11-1029) is added, setting forth a procedure to allow a peace officer or animal control officer, upon a showing of probable cause that an impounded animal has been abused or is vicious, to request a hearing in justice or city court to determine whether the animal has in fact been abused or is vicious. The hearing shall be set within 15 business days of the request and the officer who requested the hearing is responsible for serving notice to the owner of the animal.

If the owner fails to appear at the hearing or if the judge finds that the animal has been abused or is vicious, the judge may order the animal forfeited to the requesting officer. The owner is required to pay impound fees and any other costs for boarding or necessary veterinary care.

**Ch. 299
HB 2478**

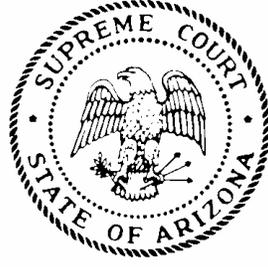
**HOMEOWNERS' ASSOCIATION REGULATIONS
(Rep. Prezelski, et al)**

Homeowners' associations are not allowed to prohibit the indoor or outdoor display of a political sign by an association member on that member's property except that an association may prohibit the display of political signs earlier than 45 days before an election and later than 7 days after.

**Ch. 312
HB 2381**

HOMEOWNERS' ASSOCIATION CONTRACTS (Rep. C. Gray)

Homeowners' association board or directors are required to declare a conflict of interest before entering into a contract that would benefit any member of the board or any board members relatives. If the board member fails to announce any conflict, the contract is void and unenforceable.



Criminal

<p>Ch. 29 HB 2226</p>	<p style="text-align: center;">CRIMINAL CODE CLEANUP (Rep. Tully, et al)</p> <p>Each year, bills are introduced to correct statutory changes made in prior years. This measure corrects defective or conflicting internal references in Titles 13 (Criminal Code), 28 (Transportation), 31 (Prisons and Prisoners), and 41 (State Government).</p>
<p>Ch. 38 HB 2552</p>	<p style="text-align: center;">BOARD OF EXECUTIVE CLEMENCY (Rep. Tully)</p> <p>The sunset (or termination) date for the Board of Executive Clemency (Board) is extended by one year from July 1, 2004 to July 1, 2005. The one year continuance is to allow the auditor general to perform a routine performance audit to make recommendations on how long to continue the Board. There are numerous legislatively established boards and commissions found in Title 41 (State Government) with sunset dates typically set for ten years.</p>
<p>Ch. 53 HB 2209</p>	<p style="text-align: center;">UNLAWFUL MOTION PICTURE RECORDING (Rep. Tully, Hubbs)</p> <p>A new section of law (A.R.S. §13-3723) makes it unlawful for a person to knowingly operate an audiovisual recording device in a facility in which a motion picture is being exhibited with the intent to record the motion picture when the person should have known that they were doing so without the consent of the owner of the facility. A violation of this new section is a class 1 misdemeanor.</p>
<p>Ch. 74 HB 2578</p>	<p style="text-align: center;">CRIMINAL EXTRADITION EXPENSES (Rep. Huppenthal)</p> <p>The state or political subdivision may recover actual expenses from a person incurred for extradition upon conviction for the crime that caused the person to be extradited.</p>

**Ch. 103
SB 1242**

CIVIL LIABILITY IN ARSON CASES (Sen. Tibshraeny, et al)

A new section of law (A.R.S. §13-1707) states that a person convicted of an arson offense listed in A.R.S. Title 13, Chapter 17 may be held liable for costs associated with responding to or investigating the incident. If the court orders the person to pay any amount pursuant to A.R.S. §13-1707, the court shall state the amount as a separate item in any final judgment, order or decree. The public agency or entity that incurred emergency response or investigation expenses may collect the debt proportionally.

**Ch. 109
HB 2116**

IDENTITY THEFT (Rep. Robson)

Among the various changes made to the laws governing identity theft, the definition of identity theft is expanded to include manufacturing, recording or transmitting any personal identifying information belonging to a real or fictitious person. The crime of unlawful possession of a scanning device or re-encoder is expanded to include possession of various and sundry materials designed for use as or in a scanning device or re-encoder. Further, prosecutors are now able to file a complaint alleging multiple violations of identity theft occurring in multiple counties if the specific charges have not been previously filed in any other county.

**Ch. 131
SB 1222**

VICTIM RIGHTS STATEMENT (Sen. Brotherton, et al)

A new section of law (A.R.S. §13-4438) is added, requiring judges of the superior court to read a victim rights statement at the daily commencement of the regular criminal docket. The statement reads:

If you are the victim of a crime with a case pending before this court, you are advised that you have rights under Arizona law that, among others, include the right to be treated with fairness, respect and dignity, to a speedy trial, to be present at court proceedings, to choose whether or not to be interviewed by the defendant or the defendant's attorney, to be heard before the court makes a decision on release, negotiation of a plea, scheduling and sentencing and to receive restitution from a person who is convicted of causing your loss. If you have not already been provided with a written statement of all victims' rights, please contact the victim services division of the prosecutor's office.

<p>Ch. 134 SB 1345</p>	<p style="text-align: center;">PROHIBITED POSSESSORS OF WEAPONS (Sen. Weiers, et al)</p> <p>The definition of prohibited possessor found in A.R.S. §13-3101 is expanded to include anyone who is a prohibited possessor under federal law (18 U.S.C. 922(g)(5)), which includes any illegal immigrant who is illegally or unlawfully in the United States (U.S.) or who has been admitted to the U.S. under a non-immigrant visa. Persons admitted to the U.S. under a non-immigrant visa are exempt if they meet conditions under 18 U.S.C. 922(y) which include: possessing a valid hunting license, being admitted to the U.S. for hunting, or persons designated by the State Department as being a representative of a foreign government.</p>
<p>Ch. 142 HB 2452</p>	<p style="text-align: center;">SEX OFFENDER ASSESSMENTS (Rep. R. Pearce, et al)</p> <p>The Department of Public Safety’s authority to charge sex offender monitoring fees is repealed. In place of the monitoring fee, a new section of law (A.R.S. §13-119) is added that imposes a \$250 assessment on persons convicted of any offense for which the person would be required to register as a sex offender pursuant to A.R.S. §13-3821. In addition, persons who fail to comply with sex offender registration requirements are required to pay the \$250 assessment. The assessment may not be waived by the court and is not subject to any surcharge.</p>
<p>Ch. 174 SB 1127</p>	<p style="text-align: center;">IMPERSONATING A PEACE OFFICER (Sen. Tibshraeny, et al)</p> <p>A new section of law (A.R.S. § 13-2411) makes the crime of impersonating a peace officer a class 6 felony. A person commits the offense of impersonating a peace officer if the person, without lawful authority, pretends to be a peace officer and engages in any conduct with the intent to induce another to submit to the person’s pretend authority or to rely upon the person’s pretended acts.</p> <p>Further, the measure adds impersonating a peace officer as an aggravating factor that the court must consider for the purposes of sentencing under A.R.S. §§ 13-710 and 13-702(A).</p>
<p>Ch. 181 HB 2573</p>	<p style="text-align: center;">DOG THEFT (Rep. Downing, et al)</p> <p>The theft classification statute (A.R.S. § 13-1802) is amended to include as a class 6 felony the crime of dog theft if the dog is stolen for the purpose dog fighting in violation of A.R.S. § 13-2910.01. Theft of any other property valued at less than \$250, including a dog stolen not for the purpose of dog fighting, remains a class one misdemeanor.</p>

**Ch. 187
SB 1335**

CHILD BIGAMY (Sen. Jarrett et al)

The crime of child bigamy is a class 3 felony pursuant to a new section of law (A.R.S. § 13-3609). An adult commits child bigamy by either having a spouse and marrying a child, marrying a child who already has a spouse, or facilitating the marriage between an adult and a child if either the adult or child already has a spouse.

A person does not commit child bigamy if the person marries a child and either 1) has a spouse who has been absent for at least five successive years without being known to the person within that time to be living or 2) has a former marriage that has been pronounced void, annulled or dissolved.

“Child” is defined as a person under the age of 18 pursuant to the general rules of statutory construction located in A.R.S. § 1-215.

**Ch. 204
HB 2646**

COMMUNITY ACCOUNTABILITY PROGRAM (Rep. Konopnicki)

The Community Accountability Pilot Program (Program) is established to reduce recidivism, among other goals, for nonviolent offenders who are either on or are eligible for community supervision.

The Board of Executive Clemency may place an offender on electronic monitoring and order participation in the Program only if the offender has violated a condition of community supervision, but has not committed an additional offense.

**Ch. 207
HB 2217**

OBTAINING UTILITIES FRAUDULENTLY (Rep. Tully, Hubbs)

It is now a class 6 felony to obtain utilities fraudulently pursuant to a new section of law (A.R.S. § 13-3723). The statute specifies five acts that count as obtaining utilities fraudulently: 1) making a connection or reconnection to provide utility service without authorization; 2) preventing a utility meter from measuring utilities properly; 3) tampering with property owned by a utility service; 4) using, receiving or diverting utility services without authorization; and 5) diverting utility service by any means.

**Ch. 254
HB 2184**

DUI/OUI PENALTY (Rep. L. Gray)

Numerous changes to the penalties for driving under the influence (DUI) and operating a motorized watercraft or aircraft under the influence (OUI) were made by the 46th Legislature in its second special session during December 2003. *See S.S. Laws 2003, Ch. 5.* Among the many changes made in that legislation, the prison construction and operations fund was established consisting of new and increased fines for DUI and OUI convictions.

This measure further amends the OUI statutes by adding an additional civil penalty of \$500, not subject to surcharge, for refusing to submit to a blood, breath or urine test. The additional civil penalty is mandatory pursuant to A.R.S. § 5-398.01 and shall be deposited in the prison construction and operations fund.

In addition, a new section of law (A.R.S. § 5-398.02) states that within ten days of an OUI conviction, judgment or forfeiture of bail, the court is required to transmit to the Department of Transportation an abstract of the case containing identifying information of the offender and a description of the violation and penalty.

**Ch. 255
HB 2238**

**FRAME REPLACEMENT; IDENTIFICATION NUMBERS
(Rep. Carpenter)**

Allows a manufacturer to replace the frame of a vehicle with an attached vehicle identification number (VIN) without notifying the Arizona Department of Transportation (ADOT).

Previously, failure to report to ADOT any transfer of vehicle parts with a VIN attached was a class 2 misdemeanor.

**Ch. 272
HB 2602**

SEX OFFENDER COMMUNITY NOTIFICATION (Rep. Gullett, et al)

Level two sex offenders are now subject to the same community notification requirements as level three sex offenders.

In addition, new appointees to the Community Notification Guidelines Committee include: one member of the State House of Representatives and one member of the State Senate to serve as co-chairs, one representative of the public defender's office recommended by a public defenders association and appointed by the Speaker of the House, one advocate or community service provider appointed by the President of the Senate, and two public members, one of whom appointed by the President of the Senate and one of whom is appointed by the Speaker of the House. The committee is charged with recommending changes to statutes, rules and procedures to improve the uniform and consistent statewide application of community notification guidelines and submit findings to the governor, president of the senate and speaker of the house before December 15, 2004.

See Ch. 142 (HB 2452) for other changes made to the laws governing sex offender registration.

**Ch. 291
HB 2091**

MONEY LAUNDERING (Rep. Reagan)

The definition of "racketeering" (under A.R.S. § 13-2317) is expanded only for purposes of allowing the attorney general to initiate a racketeering action against persons who acquire more than \$5,000 in one month through conduct that violates the federal Immigration and Nationality Act.

**Ch. 308
SB 1291**

PRE-MEGAN'S LAW NOTIFICATION (Sen. Martin)

Community notification requirements are extended to sex offenders who were convicted prior to June 1, 1996. The notification requirements were first enacted into law in Arizona in 1996 under the assumption that a retroactive application would be found unconstitutional by the courts. Since that time, the United States Supreme Court held that retroactive application of sex offender notification requirements does not violate the *ex post fact* clause of the U.S. Constitution. *Smith v Doe 538 U.S. 84 (2003)*

The Community Notification Guidelines Committee is charged with developing new guidelines on how and whether or not to apply notification requirements to pre 1996 offenders.

**Ch. 311
SB 1353**

TOBACCO DELIVERY SALES (Sen. Leff)

Requirements for delivery sales of tobacco are established including age verification of the recipient, shipping requirements, registration and reporting requirements, and taxes imposed on the delivery sales. Violations of the statute are classified as a class 5 felony with additional civil penalties unless committed by a minor.

**Ch. 328
HB 2694**

CROSS BURNING (Rep. Landrum Taylor)

Persons burning or causing to burn a cross or symbol on another's property without that person's consent or on a highway or public place with the intent to intimidate any person or persons are guilty of a class 1 misdemeanor. Intent must be proven by evidence independent from the burning of the cross or symbol.



Family Law

<p>Ch. 18 SB 1149</p>	<p style="text-align: center;">HEALTHY FAMILIES PROGRAM (Sen. Anderson, et al)</p> <p>The Healthy Families Program is extended to serve pregnant women and their families as well as persons with substantiated child abuse or neglect reports. Pursuant to A.R.S. § 8-824, participation of a parent or guardian in the Healthy Families Program may be found by the court as a mitigating factor at a preliminary protective hearing to review the taking into temporary custody of a child.</p>
<p>Ch. 52 HB 2208</p>	<p style="text-align: center;">DOMESTIC VIOLENCE DIVERSION (Rep. Tully, et al)</p> <p>Two subsections of A.R.S. §13-3601 are repealed, thereby eliminating the authority of the court to defer proceedings and place persons after conviction of a domestic violence offense on probation or intense probation. Prior to the passage of this law, the court discharged the defendant and dismissed the charges after successful completion of the ordered probation.</p>
<p>Ch. 70 HB 2346</p>	<p style="text-align: center;">TAXPAYER INFORMATION FOR CHILD SUPPORT (Rep. Tully)</p> <p>For the purposes of child support and spousal maintenance only, the Department of Revenue (DOR) shall provide the court or the clerk of the court the home address of a taxpayer whose debt for overdue support is referred for setoff. Currently, the DOR is only required to provide such information to the Department of Economic Security.</p>
<p>Ch. 79 SB 1055</p>	<p style="text-align: center;">CHILD WELFARE AND PLACEMENT (Sen. Garcia)</p> <p>Minors who are in the custody of a tribal welfare agency may participate in the Independent Living Program. In addition, minors in the custody of a licensed child welfare agency or a tribal child welfare agency are now eligible to participate in the Transitional Independent Living Program.</p>

**Ch. 105
SB 1334**

CHILD SUPPORT OVERPAYMENTS (Sen. Waring, Brotherton)

A new section of law (A.R.S. §25-527) is created, allowing an obligor to receive reimbursement for child support overpayments **if** 1) the obligation to pay child support has terminated, 2) the obligor files for reimbursement with the clerk of the superior court within 24 months after the obligation terminates, and 3) all arrearages and interest on arrearages have been satisfied.

The judgment for reimbursement is enforceable only in the same manner as a civil judgment and the obligee is directed to pay the obligor directly.

**Ch. 169
HB 2680**

GREAT-GRANDPARENT ADOPTION (Rep. Landrum Taylor)

Great-grandparents are now exempt from the requirement to obtain a preadoption certification prior to filing a petition to adopt a great-grandchild. Previous law granted exemptions from the preadoption certification requirement only to a spouse of the birth parent, uncle, aunt, adult sibling or grandparent.

**Ch. 171
SB 1034**

GUARDIANSHIP OF FOREIGN CITIZENS (Sen. Jarrett)

The court may now appoint an adult as the guardian of a foreign citizen if all of the following five conditions are true: 1) the foreign citizen is younger than twenty-five; 2) the foreign citizen has a temporary visa; 3) the adult agrees to sponsor the foreign citizen in obtaining permanent resident alien status; 4) the foreign citizen's parent, on behalf of the foreign citizen, filed a petition for permanent resident alien status and that parent is now deceased; and 5) the foreign citizen was younger than eighteen when the petition for permanent resident alien status was filed.

**Ch. 186
SB 1332**

INTERSTATE FAMILY SUPPORT ACT (Sen. Waring, Brotherton)

The Uniform Interstate Family Support Act (Act) in A.R.S. Title 25, chapter 5, article 4 is amended and relocated to A.R.S. Title 25, chapter 9. The changes made to the Act reflect recommendations by the National Conference of Commissioners on Uniform State Laws.

The Act does not become effective unless the Department of Economic Security applies for and receives, before April 15, 2005, an exemption from federal law.

**Ch. 187
SB 1335**

CHILD BIGAMY (Sen. Jarrett, et al)

The crime of child bigamy is a class 3 felony pursuant to a new section of law (A.R.S. § 13-3609). An adult commits child bigamy by either having a spouse and marrying a child, marrying a child who already has a spouse, or facilitating the marriage between an adult and a child if either the adult or child already has a spouse.

A person does not commit child bigamy if the person marries a child and either 1) has a spouse who has been absent for at least five successive years without being known to the person within that time to be living or 2) has a former marriage that has been pronounced void, annulled or dissolved.

“Child” is defined as a person under the age of 18 pursuant to the general rules of statutory construction located in A.R.S. § 1-215.

**Ch. 195
SB 1156**

RETROACTIVE CHILD SUPPORT (Sen. Brotherton, et al)

The court is given authority to order up to three years of retroactive child support if the parties lived apart before filing for divorce, legal separation, maintenance or child support. Before ordering retroactive payments, the court must first consider all relevant circumstances. If the court determines that child support is appropriate, the court shall direct a retroactive application of the child support guidelines, taking into account any amount of temporary or voluntary support that has already been paid.

**Ch. 228
HB 2090**

SEPARATE PROPERTY (Rep. Reagan, Thompson)

If a spouse purchases real property after a petition is filed for dissolution of marriage, legal separation or annulment, the property remains separate even if the petition does not result in a decree of dissolution of marriage, legal separation or annulment.

**Ch. 251
HB 2440**

UNEMPLOYMENT BENEFITS (Rep. Hanson, et al)

The Department of Economic Security shall not disqualify a person from receiving unemployment benefits if the person is a victim of domestic violence and is separated from employment due to a documented case of domestic violence as defined in A.R.S. §§13-3901 or 13-3602.

**Ch. 256
HB 2558**

**SPECIAL EDUCATION; FOSTER PARENT DEFINITION
(Rep. Allen et al)**

Foster parent is re-defined in the statute governing the Individual Education Program (a group whose task is to establish an appropriate education plan for a child with a disability) to provide that the foster parent be designated by a “court of competent jurisdiction”.

**Ch. 320
HB 2348**

DISSOLUTION OF MARRIAGE; MISCONDUCT (Rep. Johnson et al)

In determining dissolution of marriage and maintenance orders, the court may consider criminal convictions of either spouse when the victim is the other spouse or child.

Unless the court finds that there is no significant risk and states as such in writing, the court shall not grant a person sole or joint physical custody of a child to a registered sex offender or a parent of convicted of killing the other parent. When considering custody, the court may take into account evidence and testimony that the parent convicted of killing the other parent suffered from abuse by the murdered parent.

Two more senators and two more representatives are added to the Domestic Relations Committee. The committee shall develop minimum training standards for persons conducting a court ordered investigation and report concerning the custodial arrangements.

As of July 1, 2006, persons conducting the report must meet new training requirements, unless the person is a physician pursuant to title 32.



Tax Court

**Ch. 83
SB 1274**

RIGHT OF TAX APPEAL (Sen. Leff)

A taxpayer who files an application for amnesty retains all administrative and judicial rights of appeal with respect to any additional tax assessed in a subsequent audit by the Department of Revenue. Previous law stated that an application for amnesty constituted waiver of all rights to appeal.

**Ch. 84
SB 1361**

BURDEN OF PROOF IN TAX DISPUTES (Sen. Martin)

The Department of Revenue is now responsible for meeting the burden of proof in administrative, as well as judicial proceedings, regarding any factual issue that is relevant to ascertaining the tax liability of a taxpayer. Previously, the DOR had to meet the burden of proof in judicial proceedings, but the taxpayer was required to meet the burden in administrative proceedings. The level of proof remains at preponderance of the evidence.

**Ch. 295
HB 2258**

TAX COURT APPEALS (Rep. Huffman, et al)

The statutory timeframe by which the tax court must hear appeals regarding valuation or classification of property is repealed. The statute is a vestige of a radically changed tax assessment, payment, and appeal process. The Arizona Rules of Civil Procedure already govern the timely review of tax cases.



Traffic

**Ch. 97
HB 2628**

IGNITION INTERLOCK DEVICES (Rep. L. Gray)

The ignition interlock device (IID) requirements will now begin on the latter of either reinstatement of the person's driving privilege or when the Arizona Department of Transportation (ADOT) receives the conviction report. In addition, the measure requires that the person provide proof to ADOT within 30 days that the IID has been properly installed. Failure to comply with the requirements results in suspension of the person's driving privileges until proof is provided.

**Ch. 144
HB 2463**

TOWED VEHICLES (Rep. G. Pierce)

There is now a presumption that a towing company is not responsible for loss of personal property in or damage to a vehicle if the owner waives the right to inspect the vehicle or remove personal property before the vehicle is moved to a different location. The presumption may be overcome by a preponderance of evidence to the contrary.

**Ch. 254
HB 2184**

DUI/OUI PENALTY (Rep. L. Gray)

Numerous changes to the penalties for driving under the influence (DUI) and operating a motorized watercraft or aircraft under the influence (OUI) were made by the 46th Legislature in its second special session during December 2003. *See S.S. Laws 2003, Ch. 5.* Among the many changes made in that legislation, the prison construction and operations fund was established consisting of new and increased fines for DUI and OUI convictions.

This measure further amends the OUI statutes by adding an additional civil penalty of \$500, not subject to surcharge, for refusing to submit to a blood, breath or urine test. The additional civil penalty is mandatory pursuant to A.R.S. § 5-398.01 and shall be deposited in the prison construction and operations fund.

In addition, a new section of law (A.R.S. § 5-398.02) states that within ten days of an OUI conviction, judgment or forfeiture of bail, the court is required to transmit to the Department of Transportation an abstract of the case containing identifying information of the offender and a description of the violation and penalty.

**Ch. 255
HB 2238**

**FRAME REPLACEMENT; IDENTIFICATION NUMBERS
(Rep. Carpenter)**

Allows a manufacturer to replace the frame of a vehicle with an attached vehicle identification number (VIN) without notifying the Arizona Department of Transportation (ADOT).

Previously, failure to report to ADOT any transfer of vehicle parts with a VIN attached was a class 2 misdemeanor.

**Ch. 261
SB 1231**

TRAFFIC REGULATION (Sen. Bee)

Pursuant to A.R.S. §28-649 it is now a class 1 misdemeanor to possess a traffic preemption emitter that is capable of changing the display of any traffic control device used to control the movement of vehicles, bicycles or pedestrians.

The following three civil traffic violations are added to the list of violations for which a person is subject up to a \$500 fine if the violation causes serious physical injury or a mandatory \$1,000 fine if the violation causes death:

- 1) § 28-792 Failure to yield the right-of-way at a crosswalk;
- 2) § 28-794 Failure to exercise due care to avoid a collision; and
- 3) § 28-797(E) or (G) Speeding in a school crosswalk zone or failing to stop for children in a school crosswalk zone.

**Ch. 268
HB 2467**

IMPOUNDED VEHICLES (Rep. G. Pierce)

The maximum storage charges allowable under A.R.S. § 28-3512 for impounded vehicles is increased from \$10 to \$15 for each day of storage.

COMMERCIAL DRIVERS LICENSE REGULATIONS (Rep. Pierce)

The Department of Transportation shall require a United States Department of transportation number, a federal taxpayer identification number and the name of the party responsible for ensuring the vehicle meets the state and federal motor carrier safety laws and regulations, in order to issue a registration card to a commercial vehicle.

Applicants for a hazardous materials endorsement on a class A, B or C license must submit fingerprints and may be subject to a background check by the Department of Transportation. Applicants for a school bus endorsement on a class A, B or C license shall complete a written and driving skills test. Applicants for a commercial driver license endorsement shall complete the driving skills portion of the exam in a vehicle applicable to the endorsement.

After June 30, 2005, commercial driver licenses and class A, B and C licenses shall be renewed every five years.

The Department shall disqualify a commercial driver licensee for at least one year if the driver commits the crime of driving under the influence (DUI) and permanently disqualify those who refuse a DUI test on more than one occasion, commit a DUI more than once, or operate a noncommercial motor vehicle in the commission of a felony more than once. If it is determined by a federal agency that the licensee is driving in a manner that constitutes an imminent hazard, the driver shall be disqualified for no more than a year.

The Department shall keep records of the traffic violations committed by commercial driver licensees. Attendance to the defensive driving school will not dismiss the convictions of violations though defensive driving school may be ordered by the court as an element of sentencing. Licensees shall be disqualified for sixty to one-hundred-twenty days if certain violations are committed within a three year period.



Bills That Failed to Pass

HB 2001

JUDGES PRO TEM; DOMESTIC RELATIONS (Yarbrough, et al)

This bill allowed parties in a domestic relations case to mutually agree to have a judge pro tempore hear their case. After being amended on the House side the bill was transmitted to the Senate with the following requirements of the parties to the case: To be represented by counsel, to pay the judge pro tempore an amount determined by the parties and approved by the court and to pay for expenses related to the use of the court and facilities. If an action is heard in a court, the parties are not liable for the expense of the court and other required facilities. The bill stated that the clerk of the court does not have to be present when cases are being heard but must still process and make part of the record any exhibits admitted by the judge. The bill also allowed cases to be heard at the judge pro tempore's office and required facility and record preservation expenses to be paid by the parties.

This bill was ultimately held in Senate Judiciary pending the implementation and results of a pilot program within Maricopa county to address concerns raised by the proposal.

**HB 2003/
HB 2434**

ARBITRATION AGREEMENTS; VALIDITY (Wagner)

Provided that continued employment is sufficient consideration for the enforcement of an arbitration agreement between an employer and an at-will employee.

Both bills failed, one in Senate Judiciary, the other in House Health.

HB 2018

**ASRS; LATE EMPLOYER CONTRIBUTIONS; PAYMENT
(Huppenthal)**

This bill required employers to pay accumulated interest that would have accrued on member and employer contributions to the Arizona State Retirement System whether or not the period occurred before July 17, 1994.

This bill was held in the House Government and Retirement committee.

<p>HB 2023</p>	<p style="text-align: center;">NON-APPROPRIATED MONIES; REPORT (Nelson, et al)</p> <p>Required ADOA and OSPB to include new reporting requirements for appropriated and non-appropriated funds.</p> <p><i>This bill was held in House Majority Caucus in the final days of session.</i></p>
<p>HB 2075</p>	<p style="text-align: center;">COMMISSION ON UNIFORM LAWS; APPOINTMENT (Huppenthal)</p> <p>This bill removed the language that required that appointments made due to a vacancy in the Commission on Uniform Laws be for the remainder of the unexpired term.</p> <p><i>This bill did not receive a hearing in the House Rules Committee.</i></p>
<p>HB 2107</p>	<p style="text-align: center;">SEAT BELTS; PRIMARY ENFORCEMENT (Quelland)</p> <p>This bill would have allowed a police officer to pull over a driver of a motor vehicle solely for a vehicle restraint violation as well as increase from \$10 to \$250 the maximum fee for vehicle restraint violations. The bill also established a \$100 fine for not properly securing persons under 16 years of age in the vehicle, each person under 16 being a separate violation.</p> <p><i>This bill did not receive a hearing. Similar language relating to the repeal of the provision that police officers shall not pull over a motor vehicle solely for a vehicle restraint violation could be found in HB 2106, HB 2108, HB 2112 and SB 1024, all of which failed to pass.</i></p>
<p>HB 2118</p>	<p style="text-align: center;">INDIVIDUALIZED EDUCATION PLAN; FOSTER PARENTS (Thompson et al)</p> <p>Included a foster parent as an alternative to a parent in the individualized education program team which is a group whose task is to establish an appropriate education plan for a child with a disability.</p> <p><i>This bill did not receive a hearing in the House Education committee.</i></p>

<p>HB 2133</p>	<p style="text-align: center;">LICENSE PLATE; ATTACHMENT; PROHIBITION (Nelson et al)</p> <p>Prohibited a person from applying a covering or any substance to a license plate, including an electronic device or film, that obscures the numbers, characters, year validating tabs or name of the jurisdiction issuing the plate, unless authorized by ADOT.</p> <p><i>This bill was held in Senate Rules.</i></p>
<p>HB 2135</p>	<p style="text-align: center;">SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION (Nelson et al)</p> <p>If a convicted sex offender failed to register and the crime the offender was convicted of was a felony offense, the offender shall be sentenced to lifetime probation.</p> <p><i>This bill was held in House Appropriations committee.</i></p>
<p>HB 2136</p>	<p style="text-align: center;">UNAUTHORIZED ASSEMBLY OF VEHICLES (Nelson et al)</p> <p>Political subdivisions would be authorized to establish ordinances pertaining to the unauthorized assembly of vehicles and law enforcement would be enabled to enforce the ordinances and enforce civil penalties not to exceed one hundred dollars.</p> <p><i>This bill failed on House Final Read 19-37.</i></p>
<p>HB 2146</p>	<p style="text-align: center;">CLASS 6 FELONIES; RECLASSIFICATION (Hubbs et al)</p> <p>Reduced several class 6 felonies to class one misdemeanors. Several examples include abandonment of a spouse, enticement of persons for prostitution, usury, and possession of altered property. Increased monetary thresholds for several crimes. For example, criminal damage is a class 6 felony if reckless damage exceeds one thousand dollars (previously two hundred fifty dollars). Also, the bill reclassified a hit and run involving watercrafts from a class 5 felony to a class 4 felony unless the operator caused the accident which would have been a class 3 felony.</p> <p><i>This bill was held in House Judiciary committee.</i></p>

<p>HB 2156</p>	<p align="center">MANDATORY MOTOR VEHICLE INSURANCE (Straughn, Aguirre)</p> <p>Increased civil penalties the courts could impose on persons that receive a citation for not having proof of financial responsibility of the motor vehicle.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2173</p>	<p align="center">SMUGGLING OF HUMAN BEINGS (Biggs, Quelland)</p> <p>Includes smuggling in the statute defining racketeering, included definition of smuggling as engaging in any act involving the smuggling of human beings, or attempting to produce fraudulent travel documents. Violations of these provisions are classified as a class 4 felony.</p> <p><i>This bill did not receive a hearing in House Judiciary committee. Language relating to smuggling of human beings classified under racketeering can now be found in HB 2091, Laws 2004 Ch. 291.</i></p>
<p>HB 2187</p>	<p align="center">SCHOOL BUSES; PASSING; MANDATORY FINES (L. Gray)</p> <p>Provided for an additional civil penalty of at least \$250 for a person who is convicted of failing to stop for a school bus. The bill required 25% of all fines paid as a result of the violation to be forwarded to the Governor's Office of Highway Safety to establish a public awareness program relating to the requirement that a driver stop for school buses receiving or discharging children.</p> <p><i>This bill was held in House Appropriations committee.</i></p>
<p>HB 2210</p>	<p align="center">IDENTITY THEFT (Tully et al)</p> <p>This bill allowed prosecutors to file a complaint against an alleged identity thief if the defendant has committed various offenses in the state (previously in the same county). The prosecutor shall file the complaint in the county (previously the justice court precinct) in which the greatest number of violations allegedly occurred. Similar provisions were adopted and enacted into law via HB 2116 (Ch. 109)</p> <p><i>This bill did not receive a hearing in House Judiciary.</i></p>

<p>HB2211</p>	<p style="text-align: center;">ARIZONA CRIMINAL JUSTICE COMMISSION MEMBERSHIP (Tully et al)</p> <p>Adds three public defenders and one victims' rights advocate as members of the Arizona criminal justice commission.</p> <p><i>This bill was not heard in House Judiciary.</i></p>
<p>HB 2215</p>	<p style="text-align: center;">SMALL CLAIMS HEARING OFFICERS (Tully et al)</p> <p>This bill provides compensation to small claims hearing officers, only if funded by the county and a compensation schedule is approved by the presiding judge. Currently, civil traffic hearing officers are allowed compensation.</p> <p><i>This bill failed in Senate Third Read thirteen to fourteen.</i></p>
<p>HB 2216</p>	<p style="text-align: center;">COURT OBLIGATION ENFORCEMENT ASSISTANCE PROGRAM (Tully, Hubbs)</p> <p>HB 2216 would have required ADOT to refuse to renew the registration of a vehicle if the registered owner is delinquent in paying a court obligation. This bill would have expanded TTEAP to include all court obligations: Fines, fees, penalties, costs, surcharges, restitution, assessments, penalty adjustments and penalty enhancements and delinquent parking tickets. The bill also proposed to remove the \$200 threshold currently in statute.</p> <p><i>HB 2216 was held in House Judiciary after testimony was taken.</i></p>
<p>HB 2218</p>	<p style="text-align: center;">PROPERTY TAX APPEAL; TIME LIMITS (Tully, Hubbs)</p> <p>This bill removed a section of statute that required a court to hear a property tax appeal within two hundred seventy days.</p> <p><i>The language of this bill was inserted in HB2258, now Laws 2004 Ch. 295</i></p>

<p>HB2242</p>	<p style="text-align: center;">HARASSMENT DEFINITION (Thompson)</p> <p>As defined in A.R.S. § 12-1809, “harassment”, is changed to mean “conduct” rather than “a series of events over any period of time” that would lead a person to be alarmed, annoyed, or harassed. The bill also removed the provision that the harassment “serves no legitimate purpose”.</p> <p><i>This bill was held in House Rules.</i></p>
<p>HB 2243</p>	<p style="text-align: center;">SENTENCING; RANGES (Konopnicki et al)</p> <p>Increased sentencing ranges for various felony offenses. Increased judicial discretion on sentencing by removing some sentencing mandates.</p> <p><i>This bill did not receive a hearing in House Judiciary.</i></p>
<p>HB2251/ SB 1139</p>	<p style="text-align: center;">DEATH PENALTY; MINORS (Hubbs, Aguirre, et al)</p> <p>Prohibits a court from imposing a death sentence on an individual who committed first degree murder while under the age of 18.</p> <p><i>This bill was held in Senate Judiciary after testimony was given and the House version did not receive a hearing.</i></p>
<p>HB 2252</p>	<p style="text-align: center;">PROBATION TEMPORARY REMOVAL; PRISONERS (Hubbs et al)</p> <p>Allowed inmates sentenced to consecutive terms of prison, and probation (called a probation tail) to be equally eligible for early preparatory release, as are inmates sentenced to prison only. A defendant sentenced to a probation tail may elect to waive community supervision (parole) after prison and go directly into probation, but simultaneously waives eligibility for early release credits. Defendants sentenced to prison only, remain eligible for early release credits. Arizona Department of Corrections (ADC) rules define eligibility for early release credits.</p> <p><i>This bill did not receive a hearing in House Judiciary.</i></p>

<p>HB 2261</p>	<p style="text-align: center;">COMMISSION ON TECHNOLOGY (Huffman et al)</p> <p>This bill establishes, in statute, a Legislative Commission on Technology to administer the spending of all monies in the Judicial Collection Enhancement Fund.</p> <p><i>This bill was held in House Judiciary.</i></p>
<p>HB 2274</p>	<p style="text-align: center;">DOG FIGHTING; INCREASED PENALTY (Downing et al)</p> <p>Established the penalty for dog fighting if the dog or dogs are stolen as a class 4 felony. Currently dog fighting is a class 5 felony with no specifications of the source of the dog or dogs.</p> <p><i>Similar language can now be found in HB 2573 which was signed by the governor Laws 2004 Ch. 181.</i></p>
<p>HB 2275</p>	<p style="text-align: center;">RICO; IMMIGRATION AND NATIONALITY ACT (Tully et al)</p> <p>Added to the definition of racketeering bringing a person into the United States illegally, transporting someone in the U.S. illegally or harboring someone in the U.S. illegally for the purpose of financial gain.</p> <p><i>This bill was held in House Judiciary. Similar language was amended onto HB 2091, Laws 2004 Ch. 291</i></p>
<p>HB2299</p>	<p style="text-align: center;">MOTOR VEHICLE ACCIDENTS; PENALTIES (Jayne et al)</p> <p>This bill provides that a driver is guilty of a class 3 felony and subject to a mandatory revocation of his or her license if the driver causes the death or serious physical injury to another in an accident if the driver has a suspended license plate and registration because of a failure to pay past due civil penalties or if the driver has a suspended driver's license. If it is found that the driver was violating a traffic law or laws it shall be considered prima facie evidence that the driver caused the accident.</p> <p><i>This bill was not heard in House Judiciary.</i></p>

<p>HB 2304</p>	<p style="text-align: center;">SEXUAL ASSAULT OF A SPOUSE (Jayne et al)</p> <p>This bill struck the differentiation in statute of sexual assault and sexual assault of a spouse. The bill was later amended to raise the classification of sexual assault of a spouse to a class 4 felony to mirror the classification of sexual assault.</p> <p><i>This bill was held in Senate Rules.</i></p>
<p>HB 2311</p>	<p style="text-align: center;">IDENTITY THEFT (McClure et al)</p> <p>Stated that persons or entities not require personal identification information over the Internet unless the site is encrypted. Persons injured by violations of the requirement could seek civil action for damages. Included that if personal information was stolen from a person or entity, that person or entity shall inform its customers and provide information as to what the customer should do to prevent the unauthorized use of the customer's information.</p> <p><i>This bill did not receive a hearing in House Judiciary.</i></p>
<p>HB 2318</p>	<p style="text-align: center;">MOTOR VEHICLE ACCIDENTS; PENALTIES (McClure et al)</p> <p>Added failure to yield to a pedestrian in a crosswalk, failure of a driver to use due care and failure to yield or stop in a school crossing as evidence that the driver is responsible for an accident that causes death or serious physical injury.</p> <p><i>This bill was held in House Judiciary. Similar language can now be found in Laws 2004, Ch. 261.</i></p>
<p>HB 2322</p>	<p style="text-align: center;">TRUCKS; TRANSPORTATION OF DOGS (McClure et al)</p> <p>Prohibits drivers from transporting dogs in the bed of pickup truck or motortruck without securing the dog from being discharged from the vehicle. A person guilty of this violation is subject to a civil penalty of fifty dollars.</p> <p><i>This bill was not heard in House Transportation.</i></p>

<p>HB 2334/ SB 1053</p>	<p style="text-align: center;">CHILD SUPPORT COMMITTEE; MEMBERSHIP (Hershberger)</p> <p>Members of the child support committee may designate individuals to sit on the committee in their place.</p> <p><i>Not assigned to committee.</i></p>
<p>HB 2350</p>	<p style="text-align: center;">INTELLECTUAL PROPERTY; SALE (Huppenthal, et al)</p> <p>Allows the Arizona Department of Administration to generate revenue from the sale or licensing of its intellectual property.</p> <p><i>This bill was not heard in Senate Appropriations.</i></p>
<p>HB 2355</p>	<p style="text-align: center;">DRIVERS LICENSE; SOURCE OF IDENTIFICATION (Biggs et al)</p> <p>This bill prohibited the Department of Motor Vehicles from using as a primary source of identification a driver license or non-operating license from a state that does not require a person to prove lawful presence in the United States.</p> <p><i>This bill was struck in Senate Natural Resources and Transportation to a bill on recreational corridors.</i></p>
<p>HB 2364</p>	<p style="text-align: center;">APPROPRIATIONS; FEDERAL MONIES (Biggs, et al)</p> <p>HB 2364 gives the Legislature the authority to appropriate non-custodial federal monies.</p> <p><i>Failed in House 3rd reading.</i></p>

HB 2375

**APPELLATE JUDGES; ELECTION (now: JP pro tems; qualifications)
(Gray et al)**

Required that all Court of Appeals judges be elected, eliminating the Commission on Appellate Court Appointments and the retention process currently in place for Division One and Two. Enactment was conditional on passage of a constitutional amendment repealing merit selection of judges restoring voter election.

Bill was struck in House Judiciary. The adopted striker was a JP pro tem qualifications bill whose language passed in SB 1076, Laws 2004 Ch. 80.

HB 2377

**HOMEOWNERS' ASSOCIATION PENALTIES; NOTICE; HEARING
(Gray, et al)**

This bill granted jurisdiction to the justices of the peace to determine whether the penalty imposed by an HOA is consistent with the law, declaration, bylaws and rules of the HOA and the facts regarding actions of the member proven by the HOA in an action filed by an HOA member. The bill also contained the following provisions: 1. Exempted the HOA member contesting the penalty from payment of a bond or other security, 2. Prohibited the HOA member contesting the penalty from being required to pay the penalty as a condition of the action, 3. Required the HOA member contesting the penalty to wait 90 days after receipt of notice of the violation before filing an action in justice court. 4. Prohibited additional monetary penalties, charges or interest from being assessed or imposed against the member, on filing the action in the justice court. 5. Required the HOA to provide the member with written notice of the member's right to a hearing in justice court on penalties or attorney fees or both that total \$250 or more, and the member has the right to contest that penalty without payment of the amount or a bond in advance of the hearing. 6. Required charges for late payment and penalties to be enforceable as any other unsecured debt rather than being enforceable in the same manner as unpaid assessments. Based on concerns raised by many JPs, the bill was amended to allow these cases to count toward JPCs, allow for a filing fee and establish a burden of proof.

This bill ultimately failed in the Senate Government Committee 3 to 5.

<p>HB 2385</p>	<p style="text-align: center;">JUSTICE COURTS, JURISDICTIONAL LIMIT (Gray et al)</p> <p>This bill changes the monetary threshold of original jurisdiction by justice courts in cases from \$10,000 to \$30,000.</p> <p><i>This bill did not receive a hearing in House Judiciary Committee.</i></p>
<p>HB 2386</p>	<p style="text-align: center;">SUPERIOR COURT JUDGES; ELECTION (Gray et al)</p> <p>This bill eliminates the Maricopa and Pima County Commissions on Trial Court Appointments, requiring election of all superior court judges. Enactment was conditional on passage of a constitutional amendment repealing merit selection of superior court judges and restoring voter election.</p> <p><i>This bill was held in House Judiciary committee.</i></p>
<p>HB 2387</p>	<p style="text-align: center;">JUSTICE COURTS, COLLOCATION (Gray)</p> <p>Requires boards of supervisors to locate a justice court in each precinct, except if 50% or more of a precinct's population is located in the same city, the board may place up to 5 justice courts in a single location.</p> <p><i>This bill did not receive a hearing in House Judiciary committee.</i></p>
<p>HB 2390</p>	<p style="text-align: center;">PRO TEM JPS, SERVICE DISQUALIFICATION (Gray)</p> <p>Prohibits a state employee from serving as a justice of the peace pro tempore.</p> <p><i>This bill did not receive a hearing in House Judiciary Committee.</i></p>

<p>HB 2405</p>	<p style="text-align: center;">DISABLED LICENSE PLATES; MISUSE; PENALTY (Clark)</p> <p>This bill increased from \$50 to \$250, the minimum civil penalty that a court or hearing officer may impose on a person violating statutes relating to parking for persons with physical disabilities.</p> <p><i>This bill was not heard in Senate Rules.</i></p>
<p>HB 2425</p>	<p style="text-align: center;">SHAM LEGAL PROCESS (Hubbs)</p> <p>This bill defined <i>sham legal process</i>, and classified committing a sham legal process as a Class 3 felony.</p> <p><i>HB 2425 was held in House Rules.</i></p>
<p>HB 2439</p>	<p style="text-align: center;">VULNERABLE ADULTS; CAUSE OF ACTION (Hanson et al)</p> <p>Amended the definition of “abuse” in the elder abuse statutes to state that only acts of “gross negligence”, not mistakes made while rendering aid to vulnerable adults, constitutes abuse and creates the same standard for awarding punitive damages in elder abuse cases as there is for other civil actions. The bill prohibited attorney fees awarded in elder abuse cases from exceeding the total amount of actual or consequential damages that are awarded in the action.</p> <p><i>This bill failed in House Rules 5-7.</i></p>
<p>HB 2442</p>	<p style="text-align: center;">CONCEALED WEAPONS; PETTY OFFENSE (Graf et al)</p> <p>This bill changed the classification of carrying a concealed or unconcealed weapon without a permit from a class 1 misdemeanor to a petty offense not to exceed a fine of fifty dollars.</p> <p><i>This bill was not heard in House Judiciary.</i></p>

<p>HB 2451</p>	<p align="center">STATE AGENCIES; BUDGET SUBMISSION (now: department of administration; self-insurance) (Pearce, et al)</p> <p>HB 2451 required each budget unit to compile and submit to the Legislature, a summary of all expenditures for the preceding fiscal year and an estimate of projected expenditures for the current fiscal year. The strike-everything amendment to HB 2451 eliminated the option for the Arizona Department of Administration to self-insure the State’s health and accident insurance coverage plan.</p> <p><i>Failed in House 3rd reading.</i></p>
<p>HB2453</p>	<p align="center">STATE GOVERNMENT; PRIVATIZATION REVIEW (Pearce)</p> <p>This bill stated that every state agency shall prepare an inventory of all in-house commercial or industrial activities. Each year, at least 5% of these activities are reviewed for privatization potential.</p> <p><i>This bill was not heard in the House Government and Retirement Committee.</i></p>
<p>HB2454</p>	<p align="center">LOBBYING; FORMER LEGISLATORS (Pearce et al)</p> <p>This bill removes the one-year restriction for former legislators from receiving compensation as a lobbyist.</p> <p><i>This bill was held in House Judiciary</i></p>
<p>HB 2523</p>	<p align="center">STATE EMPLOYEES SALARY PLAN (Lopes et al)</p> <p>This bill specifies a salary schedule that includes ranges to be used in the salary plan of the annual report from departments with state employees.</p> <p><i>This bill was not heard in House Government and Retirement.</i></p>

<p>HB 2524</p>	<p style="text-align: center;">PHYSICALLY DISABLED PERSONS; PARKING SPACES (Clark, Straughn)</p> <p>This bill required political subdivisions to set aside five per cent of publicly owned and operated parking spaces for those physically disabled persons that required the use of a wheelchair and an additional ten per cent for those physically disabled persons whether or not they require a wheelchair. This bill also required the creation of disability placards and license plates that demonstrate a disability requiring a wheelchair.</p> <p><i>This bill did not receive a hearing in House Transportation.</i></p>
<p>HB 2533</p>	<p style="text-align: center;">SCHOOLS; POLICIES; BULLYING (Bradley et al)</p> <p>This bill instructs the school district governing boards to prescribe and enforce policies that prohibit students from “harassing, intimidating, and bullying” other students.</p> <p><i>This bill was held in House Rules.</i></p>
<p>HB 2525</p>	<p style="text-align: center;">STATE EMPLOYEE SALARY ADJUSTMENT (Loredo et al)</p> <p>Appropriates \$46 million from the state general fund and other funds to go towards state employee raises.</p> <p><i>This bill was not heard in House Government and Retirement.</i></p>
<p>HB2561</p>	<p style="text-align: center;">CRIMINAL PROCEDURE; CHANGE OF JUDGE (Lopez et al)</p> <p>This bill allowed parties in a criminal case to request a change of judge. The request for a change of judge cannot involve the race, religion, or gender of the judge, or to obtain a more desirable geographical location or a more desirable plea bargain. The request also may not be to obtain a delay in proceedings or interfere with a judge’s proceedings.</p> <p><i>This bill did not receive a hearing in House Judiciary Committee.</i></p>

<p>HB 2563</p>	<p align="center">BREAST-FEEDING; JURIES; WORKPLACE PRIVACY (Lopez et al)</p> <p>States that breast feeding an infant is not an act of indecent exposure. Further states that a prospective juror that is currently breast-feeding an infant shall be excused from jury duty for one year with a possible continuance after that year. Further requires an employer to provide unpaid break time and make all efforts to provide an area other than a toilet stall in which an employee can express breast milk for their child unless the action unduly disrupts the workplace.</p> <p><i>This bill was not heard in House Commerce and Military Affairs.</i></p>
<p>HB2581</p>	<p align="center">TELEPHONE CALL CENTERS; CONSUMER RIGHTS (Loredo et al)</p> <p>This bill set forth new guidelines for telephone call centers and vendors who contract the centers. Establishes that vendors submitting contracts to provide services for the state shall certify that the vendors performing services are operating only in the United States. Any person or vendor who knowingly submits a false certification is guilty of an undetermined felony.</p> <p><i>This bill did not receive a hearing in House Commerce and Military Affairs.</i></p>
<p>HB 2586</p>	<p align="center">YOUTH DEVELOPMENT AND PROTECTION PROGRAM (Thompson et al)</p> <p>Establishes the Youth Development and Protection Program under the Department of Economic Security. The program is designed to provide services to persons between the ages of six and eighteen to reduce youth crime, violence, drug use and child abuse.</p> <p><i>This bill was held in House Appropriations.</i></p>

<p>HB 2588</p>	<p style="text-align: center;">DEATH PENALTY; REPEAL; NATURAL LIFE (Loredo et al)</p> <p>Repeals all language pertaining to the death penalty from Arizona statutes and replaces death penalty convictions with natural life. Allows the victim to be present at any sentencing proceeding involving a first degree murder charge and to present information about the murdered person and the impact the murder has had on the family. Also requires that the Supreme Court remand all cases in which the death penalty was imposed so that the court can strike the death penalty and enter a sentence of natural life.</p> <p><i>This bill was not heard in House Judiciary.</i></p>
<p>HB 2596</p>	<p style="text-align: center;">STATE EMPLOYEES; DIFFERENTIAL PAY; MILITARY (A. Aguirre, et al)</p> <p>Military reservists who are state employees and are called to active service as a result of a declaration of an emergency by the President or governor are automatically given a leave of absence. The state would cover the difference between the person's state pay and his/her military pay. This bill repeals and replaces a similar provision in Laws 2002, Ch 321 that is set to expire July 1, 2004. Retroactive to Sept 1, 2002.</p> <p><i>This bill was not heard in House Counties and Municipalities.</i></p>
<p>HB2606</p>	<p style="text-align: center;">CIVIL APPEAL BONDS; LIMITS (Graf et al)</p> <p>Limits bonds in civil appeals to twenty five million dollars. Applies to all pending and future actions and includes an emergency clause.</p> <p><i>This bill failed in House Rules 3-6. A similar civil appeal limit was proposed in a strike everything amendment to HB 2443 but was not adopted.</i></p>

**HB 2607/
HB 2126**

**PUBLIC PARTICIPATION IN GOVERNMENTS; PROTECTIONS
(Graf et al)**

This bill provides a higher burden of proof for the plaintiff to avoid dismissal and a procedure for dismissal of libel and slander lawsuits against persons who provide information to or seek assistance from a government entity including a court.

This bill was not referred to a committee however similar language was struck onto HB 2126 that did not receive a conference committee in the last hours of session.

HB 2643

PERSONAL FLOTATION DEVICES (Burton-Cahill et al)

This bill raises the classification of a violation of the personal flotation devices statute from a petty offense to a class 2 misdemeanor.

This bill did not receive a hearing in House Natural Resources and Agriculture.

HB2647

OPERATING WATERCRAFT UNDER INFLUENCE (Carruthers)

Adds an additional five hundred dollar civil penalty (not subject to surcharge) for persons operating a watercraft who refuse to take an alcohol or drug test. Within 30 days of conviction or judgment of operation of a watercraft under the influence, each magistrate or clerk of the court shall report the judgment information to the Phoenix office of Arizona Game and Fish. The failure, refusal or neglect of a judicial officer to comply constitutes misconduct in office and is grounds for removal from office. The bill further eliminates the watercraft licensing fund threshold and appropriates \$100,000 from the watercraft licensing fund to the Arizona game and fish department to establish and maintain a centralized database for violations concerning operating watercraft under the influence.

This bill was held in House Natural Resources Agriculture, Water and Native American Affairs. Similar language can now be found in HB 2184, Laws 2004 Ch. 254.

<p>HB 2648/ SB 1210</p>	<p style="text-align: center;">BARS; INSIGNIAS; FIREARMS (Graf et al/Jarrett)</p> <p>This bill allowed individuals to enter locations with liquor licenses with firearms unless the locations posted a sign prohibiting the possession therein.</p> <p><i>HB 2648 was held in Senate Judiciary and Senate Commerce. SB 1210 failed on Senate Final Read 13-15.</i></p>
<p>HB 2666</p>	<p style="text-align: center;">HB 2666 EORP; MEMBERSHIP (Pearce, Gullett, Quelland)</p> <p>This bill stated that the following members of EORP would be required to become members of the State Retirement System if they are elected or appointed after Jan. 1, 2005: state and county elected officials, justices and judges of appellate courts and the superior court, full-time superior court commissioners.</p> <p><i>This bill was not heard in the House Government and Retirement Committee.</i></p>
<p>HB 2669</p>	<p style="text-align: center;">BICYCLE HELMETS FOR MINORS (Wagner)</p> <p>This bill required minors to wear a helmet while operating a bicycle and establishes a civil penalty of at least fifty dollars for violations. The bill also required persons renting bicycles to provide a helmet for the minors or make sure that the minor has a helmet to wear while operating the bicycle; violations are subject to a civil penalty of no less than fifty dollars.</p> <p><i>This bill did not receive a hearing in House Transportation.</i></p>
<p>HB 2704</p>	<p style="text-align: center;">PARENTING AND PARENTING TIME (Boone)</p> <p>Provides definitions for parenting, parenting time, shared legal parenting, shared parenting, shared physical parenting, and sole legal parenting. Requires that separated parents share parenting time unless the court finds that it is not in the best interest of the child.</p> <p><i>This bill was held in House Human Services.</i></p>
<p>HCR2007</p>	<p style="text-align: center;">JUDICIAL RETENTION BALLOTS; PARTY AFFILIATION (Robson)</p> <p>Asks voters at the next general election to amend the state Constitution to require party affiliation be disclosed on judicial retention ballots for Supreme Court, Court of Appeals and Superior Court judges.</p> <p><i>This bill did not receive a hearing in House Judiciary Committee.</i></p>

<p>HCR2010</p>	<p>SUPREME COURT RULE-MAKING AUTHORITY—similar to HCR2027 (Tully et al)</p> <p>Asks voters at the next general election to amend the state Constitution to allow the legislature or the people through initiative or referendum to amend or repeal procedural and evidentiary rules of court. If court rule is amended by initiative, the legislature is exempt from the limitations imposed by Prop 105 (passed in 1998) that prohibit repeal of an initiative measure and require that changes to statutes enacted via initiative further the purpose of the initiative and receive a 3/4 vote by both the House and Senate.</p> <p><i>This bill was retained on the House COW calendar.</i></p>
<p>HCR 2015/ SB 1154</p>	<p>VOTING RIGHTS; PERSONS UNDER GUARDIANSHIP (Hershberger)</p> <p>Allows incapacitated persons whom have been determined by a court to be capable to vote, unless otherwise provided by law, to vote.</p> <p><i>HCR 2015 was not assigned to a committee, SB 1154 was not heard in House Judiciary.</i></p>
<p>HCR2017</p>	<p>JUSTICE COURTS; JURISDICTIONAL LIMIT (Gray et al)</p> <p>Asks voters at the next general election to amend the state Constitution to increase the civil jurisdiction of limited jurisdiction courts from ten to thirty thousand dollars.</p> <p><i>This bill was not heard in House Judiciary committee, nor was its companion, HB 2385.</i></p>
<p>HCR 2018</p>	<p>JUSTICES AND JUDGES; ELECTION (Gray et al)</p> <p>Asks voters at the next general election to amend the state Constitution to provide for non-partisan elections of all Supreme Court, Court of Appeals and Superior Court judges. In counties with a population of 250,000 or more, the board of supervisors shall establish judicial districts from which superior court judges shall be elected.</p> <p><i>This bill was held in House Judiciary committee.</i></p>

<p>HCR2024</p>	<p>SENATE CONFIRMATION OF JUSTICES AND JUDGES (now: senate confirmation; justices and judges) (Biggs)</p> <p>Asks voters at the next general election to amend the state Constitution to eliminate the Commission on Appellate Court Appointments and allow the governor to appoint any qualified person for the Supreme Court or Court of Appeals, subject to senate confirmation. Appellate judges would be subject to the current judicial retention every 6 years thereafter.</p> <p><i>This bill failed in House Third Read twenty-four to thirty-six.</i></p>
<p>HCR 2025</p>	<p>SUPREME COURT, ADMINISTRATIVE SUPERVISION (Gray)</p> <p>This resolution would have referred to the voters an amendment to the state constitution to provide that the state Supreme Court has no administrative authority over JP courts and that the Legislature is to prescribe the extent of the Supreme Court’s authority over the other courts.</p> <p><i>This bill did not receive a House Judiciary hearing.</i></p>
<p>HCR2027</p>	<p>SUPREME COURT JURISDICTION (Gray et al)</p> <p>This resolution would have referred to the voters an amendment to the state constitution to provide that the state supreme court's rules on procedural and evidentiary matters are subject to amendment or repeal by the Legislature. Also provides that the court shall not infringe on the authority of the Legislature or the people to enact law, stating that law making is a power of the Legislature and the people, not an authority of the judiciary.</p> <p><i>This bill was not heard in House Judiciary committee.</i></p>

<p>HCR2030</p>	<p>SEPARATION OF POWERS; JUDICIAL LAWMAKING (Pearce et al)</p> <p>Asks voters at the 2004 general election to amend the state Constitution 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><i>This bill was not heard in House Judiciary committee.</i></p>
<p>HCR2034</p>	<p>COMMISSION ON JUDICIAL CONDUCT APPOINTMENTS (Nichols, Gray)</p> <p>Asks voters at the 2004 general election to amend the state Constitution to eliminate the authority of the Supreme Court and State Bar to appoint members to the commission on judicial conduct and grants the governor sole authority to appoint all members.</p> <p><i>This bill was not heard in House Judiciary committee.</i></p>
<p>HCR2038/ SCR 1019</p>	<p>JUSTICES AND JUDGES RETIREMENT AGE (Downing et al; Brotherton et al)</p> <p>Asks voters at the 2004 general election to amend the state Constitution by increasing from 70 to 75 years the mandatory retirement age for justices and judges of courts of record.</p> <p><i>HCR 2038 was not heard in House Judiciary committee. SCR 1019 failed in the Senate Judiciary Committee 3 to 5.</i></p>
<p>HCR2039</p>	<p>JUDICIAL RETENTION; TWO-THIRDS VOTE (Biggs)</p> <p>Asks voters at the 2004 general election to amend the state Constitution to require that, for those justices and judges subject to retention elections, party affiliation be disclosed and that a two-thirds retention vote be obtained to remain in office.</p> <p><i>This bill did not receive a hearing in House Judiciary Committee.</i></p>

<p>HCR2040</p>	<p style="text-align: center;">JUDICIAL APPOINTMENT COMMISSIONS (Biggs)</p> <p>Asks voters at the 2004 general election to amend the state Constitution to make numerous changes to the appellate and Maricopa and Pima trial court appointment commissions, including: 1) limiting the chief justice a non-voting member, 2) limiting the governor to appoint one of the five attorney members, 3) allowing the House and Senate to each appoint two attorney members, and 4) prohibiting justices and judges from lobbying the commissions on behalf of an applicant.</p> <p><i>This bill did not receive a hearing in House Judiciary Committee.</i></p>
<p>SB 1034</p>	<p style="text-align: center;">JUSTICE COURT JURISDICTION (Jarrett)</p> <p>This bill proposed to expand Justice of Peace court original jurisdiction of civil actions to include all actions involving \$10,000 or less. JP court concurrent original jurisdiction with superior court was expanded to include cases involving \$10,000 to \$20,000.</p> <p><i>This bill was used as a striker for a guardianship of foreign citizens bill.</i></p>
<p>SB 1047</p>	<p style="text-align: center;">PARKING SPACES; PHYSICALLY DISABLED PERSONS (Mead)</p> <p>SB 1047 established, based on the recommendations in the Americans with Disabilities Act, a minimum number of handicap parking spaces to be placed at each state agency or political subdivision that provides off-street parking for public facilities.</p> <p><i>This bill was held in House Appropriations committee.</i></p>
<p>SB 1052</p>	<p style="text-align: center;">DOMESTIC RELATIONS; SOCIAL SECURITY NUMBERS (Mead)</p> <p>This bill requires that any officer that has custody of public records remove social security numbers from domestic relations documents prior to allowing the documents to be viewed by the public.</p> <p><i>This bill was not heard in Senate Judiciary committee.</i></p>

<p>SB 1126</p>	<p style="text-align: center;">FALSE REPORTING; CLASSIFICATION (Tibshraeny et al)</p> <p>This bill altered the classification of the crime of false reporting from a class one misdemeanor to a class 6 felony.</p> <p><i>This bill failed in House Third Read.</i></p>
<p>SB 1160</p>	<p style="text-align: center;">DOMESTIC VIOLENCE; ASSESSMENTS (Mead et al)</p> <p>If a person disobeys or resists a lawful order, process or other mandate of a court, or commits aggravated domestic violence, the court shall impose a fine in addition to all other fines and restitution. The amount of the fine will be determined by the court based on the financial position of the defendant and the burden it will impose on the defendant. This bill further has all monies collected by the court for the above violations deposited in the Domestic Violence Shelter Fund.</p> <p><i>This bill was not heard in Senate Judiciary committee.</i></p>
<p>SB1169</p>	<p style="text-align: center;">INCOMPETENCE; MENTAL HEALTH EXPERTS (Allen)</p> <p>This bill changed from mandatory to permissive the requirement that one of two mental health experts appointed by the court to conduct a competency examination be a psychiatrist.</p> <p><i>Due to stakeholder input, the sponsor was asked to withdraw this bill from further consideration.</i></p>
<p>SB 1171</p>	<p style="text-align: center;">JURY SERVICE; COURT LOCATION (now: self-defense; sentencing) (Leff)</p> <p>The underlying bill required a court when summoning a person for jury duty to summons the person to attend the court that is located nearest the person's residence. A strike-everything amendment was attached by Sen. Weiers in the Judiciary committee to provide a court with discretion to waive mandatory sentencing when a defendant raises a claim of self-defense.</p> <p><i>This bill was ultimately not heard in Senate Rules.</i></p>

<p>SB 1185</p>	<p style="text-align: center;">STUDY COMMITTEE; PERSONAL IDENTIFICATION (Mitchell, et al)</p> <p>This bill established the Personal Identification Study Committee to review the use of personal identification documents posted on a public body’s web site.</p> <p><i>This bill was not heard on the Senate Floor.</i></p>
<p>SB 1189</p>	<p style="text-align: center;">FIREARMS; BACKGROUND CHECKS; SHOWS (Mitchell et al)</p> <p>This bill required that a national instant criminal background check be performed by firearms dealers at firearms sales when a trade or sale of firearms occurs. Failure to do so resulted in a Class 1 misdemeanor.</p> <p><i>This bill was not heard in Senate Commerce committee.</i></p>
<p>SB 1194</p>	<p style="text-align: center;">MOTOR VEHICLE ACCIDENTS; PENALTIES (Anderson)</p> <p>This bill provided that causing a death or serious physical injury while driving without a valid driver’s license or vehicle registration constitutes a class 5 felony.</p> <p><i>This bill was held in Senate Natural Resources and Transportation and Judiciary.</i></p>
<p>SB1196</p>	<p style="text-align: center;">PROTECTION ORDERS; DOMESTIC VIOLENCE; REPORTS (Anderson)</p> <p>This bill required the Supreme Court to publish a report each year with demographic statistics on 1) number of orders of protection issued statewide and, for each court, 2) number of orders denied, 3) number of orders violated, 4) punishment for violations, 5) number of orders that are abandoned because the applicant promoted a violation of the order, and 6) number of persons who are killed while an order is in effect. If Supreme Court failed to publish the report or provide information to the House and Senate appropriations committees, the Court would not receive any monies from the criminal case processing and enforcement improvement fund.</p> <p><i>This bill failed in Senate Judiciary 0 to 9.</i></p>

<p>SB1199</p>	<p style="text-align: center;">JP’S; QUALIFICATIONS (Rios)</p> <p>SB 1199 required a JP to be at least 25 years old and to have either completed at least 60 credit hours of postsecondary instruction, been certified by the Arizona Peace Officer Standards and Training Board, or served as a magistrate for at least three years.</p> <p><i>This bill failed 4 to 5 in the Senate Judiciary Committee.</i></p>
<p>SB 1203</p>	<p style="text-align: center;">HEALTH CARE DIRECTIVES; SURROGATES (Cheuvront et al)</p> <p>Includes an adult patient’s “registered domestic partner” as an eligible person to serve as the patient’s surrogate to make health care decisions. Provides that a “registered domestic partner” is one who has registered as such on a public registry established by any governmental entity that registers or terminates domestic partnerships.</p> <p><i>This bill was not heard in Senate Health Committee.</i></p>
<p>SB 1210</p>	<p style="text-align: center;">UNIFORM ARBITRATION; REVISED ACT (Jarrett)</p> <p>Repeals the Uniform Arbitration Act adopted in 1962 and conforms statute to uniform process for resolving disputed through arbitration recommended by the Uniform Law Commissioners.</p> <p><i>This bill was used as a striker for a firearms in bars bill which subsequently failed (see HB2648).</i></p>
<p>SB1211</p>	<p style="text-align: center;">JUSTICE COURT PRECINCTS; ELECTION (Jarrett)</p> <p>This bill prohibited the county board of supervisors from appointing a justice of the peace and constable to a newly established justice precinct and required an election for a JP and constable to be held during the general election to fill the newly established precinct.</p> <p><i>The bill was not heard in House Judiciary.</i></p>

<p>SB 1221</p>	<p style="text-align: center;">INCREASED SPEED LIMITS; HIGHWAYS (Verschoor et al)</p> <p>This bill enabled the Arizona Department of Transportation to change the speed limits of interstate highways from seventy-five miles per hour to eighty miles per hour. The bill also changed the classification of excessive speeds to include fifteen miles per hour over the posted interstate speed limit.</p> <p><i>This bill was held in House Committee of the Whole.</i></p>
<p>SB 1223</p>	<p style="text-align: center;">MISDEMEANORS; AGGRAVATING CIRCUMSTANCES; SENTENCING (Giffords et al)</p> <p>Allows the courts to increase the sentence of a person convicted of a misdemeanor offense if the court finds that the offender committed the crime out of malice because of the victim's race, color, religion, national origin, sexual orientation, gender or disability.</p> <p><i>This bill failed in Senate Judiciary 4-4.</i></p>
<p>SB 1261</p>	<p style="text-align: center;">SB 1261 PROBATION AND PAROLE SANCTIONS (now: involuntary commitment orders; tribal court) (Garcia et al)</p> <p>This bill allowed a court or the Board of Executive Clemency to order a defendant or a prisoner who violates probation or parole to participate in treatment or other appropriate programs. The adopted striker to 1261 allowed involuntary commitment orders issued by Arizona tribal courts to be enforced as if issued by the Superior court without going through the currently required (and lengthy) domestication process.</p> <p><i>This striker passed out of the Senate but was not heard in House Natural Resources, Agriculture, Water and Native American Affairs.</i></p>
<p>SB 1266</p>	<p style="text-align: center;">EMANCIPATION OF MINORS (Anderson et. al.)</p> <p>Establishes a court procedure for the emancipation of a minor.</p> <p><i>This bill held in House Committee of the Whole.</i></p>

<p>SB 1279</p>	<p align="center">STATE FUNDED LOBBYISTS; PROHIBITION (Anderson et al)</p> <p>Prohibits state employees, consultants or contractors for state employees from lobbying the legislature and requires proof in the annual report from that department that funds were not used to pay for lobbying or lobbying efforts. Allows heads of state departments to give information to the legislature but not provide any recommendations. State agencies, boards and commissions that are headed by one or more elected officials shall communicate with the legislature through those elected officials. Allows state employees may communicate with the legislature on their own behalf.</p> <p><i>This bill failed in Senate Government committee 1-8.</i></p>
<p>SB 1298</p>	<p align="center">TRAFFIC SURVIVAL SCHOOL; INTERNET CLASSES (Sen. Miranda)</p> <p>The Department of Transportation would be authorized to allow traffic survival school training and educational sessions to be conducted on the Internet.</p> <p><i>This bill was not heard in the Senate Natural Resources and Transportation Committee.</i></p>
<p>SB1307</p>	<p align="center">SEX OFFENDERS; RESIDENCY RESTRICTIONS (Weiers)</p> <p>This bill requires courts to order sex offenders, as a condition of their probation, to not reside in a residential structure in which three or more sex offenders on probation reside or in a residential structure that is within 1,320 feet of another residential structure in which another sex offender on probation resides.</p> <p><i>This bill failed in House Judiciary 5 to 7.</i></p>

<p>SB 1308</p>	<p style="text-align: center;">DOMESTIC RELATIONS; CHILD CUSTODY (Bee et al)</p> <p>Prohibits the court from ordering joint counseling for parents with an order of protection or a history of domestic violence, unless the alleged victim of domestic violence consents to meet jointly. Prohibits the court from denying or limiting custody or parenting time to a parent solely because the parent acted, based on a reasonable belief, to report, determine or treat suspected sexual abuse. Prohibits the court from granting legal custody or parenting time if the person is a registered sex offender, or convicted of murdering the other parent, unless the court finds no risk to the child and states this in writing. Prohibits courts from taking into consideration any recommendations regarding custody from professional personnel. Requires additional training for any entity that conducts an investigation or prepares a report concerning custodial agreement.</p> <p><i>This bill was held in House Human Services. Similar language was put into a striker on HB 2348, Laws 2004 Ch. 320</i></p>
<p>SB1380</p>	<p style="text-align: center;">EORP; DEFERRED RETIREMENT OPTION PLAN (Martin)</p> <p>This bill created a deferred retirement option plan for members of the Elected Officials' Retirement Plan. SB 1380 was amended to modify the calculation of the "average yearly salary" for retirement benefit purposes in the Elected Officials' Retirement Plan. The House attached a strike-everything amendment to SB 1380 which revised the definition of <i>abuse</i> in the elder abuse statutes to require that only acts of <i>gross negligence</i> constitutes abuse.</p> <p><i>The bill and its striker were held in the House Rules committee.</i></p>
<p>SCR1008</p>	<p style="text-align: center;">JUSTICE COURTS; JURISDICTION (Jarrett et al)</p> <p>Asks the voters to amend the Arizona Constitution to increase the civil jurisdiction of limited jurisdiction courts from ten to twenty thousand dollars.</p> <p><i>This bill was held in Senate Judiciary committee as was its companion, SB 1034.</i></p>

<p>SCR1016</p>	<p style="text-align: center;">PUNITIVE DAMAGES AWARDS; LIMITATION (Harper et al)</p> <p>Asks the voters to repeal a section of the Arizona Constitution which prohibits the passage of law to limit the amount of punitive damages recovered for causing the death or injury of a person.</p> <p><i>This bill was not heard in Senate Judiciary committee.</i></p>
<p>SCR1023/ SCR 1035</p>	<p style="text-align: center;">JUSTICES AND JUDGES; SENATE CONFIRMATION (Verschoor et al)</p> <p>Asks the voters to amend the Arizona Constitution to remove the specified number of judicial nominations, currently set at three. Also, requires the consent of the Senate, as well as the consent of the governor, of the judicial nominee prior to appointment. Removes the chief justice of the Supreme Court and the governor's ability to appoint a nominee to fill a vacancy after sixty days. Makes justices and judges subject to senate confirmation ever four years.</p> <p><i>These bills were not heard in Senate Judiciary committee.</i></p>
<p>SCR1024</p>	<p style="text-align: center;">JUSTICES AND JUDGES; ELECTION (Verschoor et al)</p> <p>Asks voters to amend the Arizona Constitution to provide for non-partisan election of all Supreme Court, Court of Appeals and Superior Court judges. In counties with a population of 250,000 or more, the board of supervisors shall establish judicial districts from which superior court judges shall be elected.</p> <p><i>This bill was held in Senate Judiciary committee.</i></p>
<p>SCR1025</p>	<p style="text-align: center;">COMMISSION ON JUDICIAL CONDUCT; MEMBERS (Verschoor et al)</p> <p>Asks voters to amend the Arizona Constitution to allow only the governor to appoint the eleven members of the commission on judicial conduct, currently the supreme court, the governing body of the bar association and the governor appoint members.</p> <p><i>This bill was held in Senate Judiciary committee.</i></p>

<p>SCR1031</p>	<p style="text-align: center;">ARIZONA CITIZENS PROTECTION ACT (Anderson et al)</p> <p>This resolution would have referred to the voters a measure that would have added the “Arizona Citizens Protection Act”, a chapter of Arizona law providing that attorneys and law enforcement personnel are subject to laws and rules of the state. The resolution included new rules of procedure for attorneys and law enforcement personnel and provided new victims rights, including compensation up to \$25,000 for violation of the provisions in the Citizens Protection Act.</p> <p><i>This bill was not heard in Senate Judiciary committee.</i></p>
<p>SCR1034</p>	<p style="text-align: center;">MERIT SELECTION; POPULATION (Rios et al)</p> <p>Asks voters to amend the Arizona Constitution to increase the population threshold at which counties switch from an election based system to merit selection of judges from two hundred fifty thousand to four hundred fifty thousand persons.</p> <p><i>This bill passed the Senate but was not heard in the House Judiciary Committee.</i></p>
<p>SCR1037</p>	<p style="text-align: center;">JUDICIAL APPOINTMENT COMMISSIONS (Weiers)</p> <p>Asks voters to amend the Arizona Constitution to change the chairman of the commission on judicial appointments to a non-voting member. Also alters the appointment method of the five attorneys on the commission, providing that the governor appoints one (previously the governor appointed all five), and the President of the Senate and the Speaker of the House of Representatives each appoint two attorneys. These five attorneys are then subject to Senate confirmation. Replaces the state bar with the House of Representatives as one of the bodies to make or confirm appointments to the appellate court commission. Prohibits justices or judges from lobbying on behalf of candidates and requires a sixty percent vote for the commission to retain a judge or justice.</p> <p><i>This bill was held in Senate Judiciary committee.</i></p>

<p>HB 2085</p>	<p style="text-align: center;">TELECOMMUNICATIONS COMPANIES VALUATIONS (Huffman, O'Halleran)</p> <p>The Department of Revenue's formula is modified to include a new method of <i>obsolescence</i> in determining the valuation of telecommunications companies' property.</p>
<p>HB 2129</p>	<p style="text-align: center;">PRISONERS; TEMPORARY REMOVAL; PROBATION LENGTH (Hubbs et al)</p> <p>Allowed inmates sentenced to consecutive terms of prison, and probation (called a probation tail) to be equally eligible for early preparatory release, as are inmates sentenced to prison only. Established new court procedures for prisoners on work furlough if the prisoner violates any condition of the work furlough. Required the county probation department to supervise any inmate who is given temporary release if the release is for the purpose of returning the prisoner to the community.</p>
<p>HB 2615</p>	<p style="text-align: center;">FUEL SUPPLIES; REPORTING (Huppenthal et al)</p> <p>Mandates a procedure for producers, transporters, and sellers of fuel supplies for motor vehicles to report to the Department of Weights and Measures during a Governor-declared supply intervention. Prohibits supply information from becoming public record, stating the information is to be kept confidential. An individual who violates the confidentiality clause is guilty of a class 1 misdemeanor.</p>
<p>HB 2618</p>	<p style="text-align: center;">TAPBI PROGRAM (Quelland et al)</p> <p>Allowed students in kindergarten and the first grade to participate in the Technology Assisted Project Based Instruction (TAPBI) program. Added reporting requirements to the program and required the State Board of Schools and State Board of Chartered Schools to gather a group of parents to provide feedback on the program and how to better improve TAPBI.</p>



Vetoed Bills

<p>SB 1012</p>	<p style="text-align: center;">NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING MANAGERS BOARD CONTINUATION (C. Allen)</p> <p>Continued the Nursing Care Institution Administrators and Assisted Living Managers Board for 10 years.</p>
<p>SB 1077</p>	<p style="text-align: center;">ABORTION; INFORMED CONSENT (Jarrett et al)</p> <p>Required a physician to inform a patient seeking an abortion of the risks and nature of an abortion twenty-four hours prior to the procedure. Violations result in the suspension or revocation of the physician's license to practice medicine.</p>
<p>SB 1081</p>	<p style="text-align: center;">ANIMAL AND ECOLOGICAL TERRORISM (Biggs et al)</p> <p>Includes animal and ecological terrorism in the statute defining racketeering and provides penalties for such acts that prevent an owner of an animal or natural resource from participating in an animal or natural resource activity. Provides for the establishment of an internet terrorist website and requires those convicted of animal or ecological terrorism to register with the Department of Public Safety.</p>
<p>SB 1278</p>	<p style="text-align: center;">PSYCHIATRIC MEDICATION; SCHOOLS (Anderson)</p> <p>Prohibits a school from requiring a student to obtain psychiatric diagnosis or evaluation or performing such evaluations on school property. Further prohibits administration of psychiatric medication to a pupil without parental consent.</p>



STATE OF ARIZONA

JANET NAPOLITANO
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**The Honorable Jake Flake
Arizona State House of Representatives
1700 West Washington
Phoenix, Arizona 85007**

Re: House Bill 2085: property tax valuation; telecommunications companies

Dear Speaker Flake:

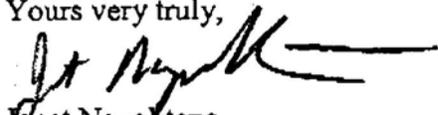
Today I am returning with my veto House Bill 2085, regarding property tax valuations applicable to telecommunications companies.

Section 1 of House Bill 2085 would have allowed the Department of Revenue to consider obsolescence adjustments in determining the value of telecommunications properties. I support allowing DOR to do so on a going-forward basis, and I look forward to working with the legislature to adopt this portion of House Bill 2085 early next session.

Section 2 of the bill, however, goes further by stating that the new language of section 1 should somehow "not be presumed to change existing law." DOR and Arizona's counties are currently in litigation with a number of telecommunications companies over efforts by those companies to claim adjustments for obsolescence. To date, the courts have uniformly rejected the telecommunications companies' claims that such adjustments are appropriate for current or prior years. As such, contrary to the language of section 2, House Bill 2085 plainly does change existing law.

Nevertheless, because such changes are warranted on a prospective basis, I am hopeful that the legislature will promptly pass a bill that allows DOR to consider obsolescence adjustments in the future without impacting any ongoing litigation regarding current or prior tax years.

Yours very truly,


Janet Napolitano
Governor



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May 20, 2004

**Honorable Jake Flake
Speaker, Arizona House of Representatives
1700 West Washington
Phoenix, AZ 85007**

Re: House Bill 2129: prisoners; temporary removal; probation length

Dear Speaker Flake,

Today I vetoed House Bill 2129 at the request of three offices of Arizona government and a number of the original supporters of that bill.

I support the original intent of House Bill 2129. Unfortunately, the Attorney General's Office, the Department of Corrections, and the Administrative Office of the Courts have all concluded that House Bill 2129 does not provide for temporary release of inmates whose community supervision has been waived under A.R.S. § 13-b03(K).

Instead, House Bill 2129 would have the unintended consequence of expanding the scope and cost of probation by requiring probation departments to supervise all inmates granted temporary release, regardless of whether they were sentenced to a term of probation.

I am hopeful that next year the Legislature will enact a bill that more accurately reflects the original intent of House Bill 2129.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano
Governor



JANET NAPOLITANO
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May 17, 2004

**Honorable Jake Flake
Speaker, Arizona House of Representatives
1700 West Washington
Phoenix, AZ 85003**

Re: House Bill 2615: reporting; fuel supplies

Dear Speaker Flake,

Today I vetoed House Bill 2615 regarding the reporting of information about fuel supplies.

As we learned last summer after the rupture of the Kinder-Morgan petroleum pipeline, the flow of information about fuel supplies during a crisis is important for informing the public about the expected duration and implications of the crisis. Although House Bill 2615 would require the reporting to the Department of Weights and Measures of certain information (some of which was reported to the state voluntarily during last summer's crisis), it places artificial and unwise restrictions on the state's ability to use the information to either help resolve the crisis or assist consumers in coping with it. The bill would, for example, make it a misdemeanor for state officials to release even basic information that the public needs to know in a crisis, such as the total volume of gasoline available in the state or the percentage of stations that are open on a given day, if that information is provided pursuant to this bill.

Over the summer, my office will work with the stakeholders to draft a bill that has reporting and disclosure requirements that better meet the needs of Arizonans.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano".

Janet Napolitano
Governor



STATE OF ARIZONA

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April 19, 2004

**The Honorable Jake Flake
Arizona State House of Representatives
1700 West Washington
Phoenix, Arizona 85007**

Re: House Bill 2618: Schools; TAPBI Program

Dear Speaker Flake:

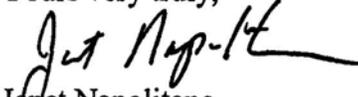
Today I vetoed House Bill 2618, a bill that would have provided technology assisted project based instruction ("TAPBI") for kindergarten and first grade students and further opened the door to the prospect of testing kindergarten children.

As you know, I am a firm believer in better and more complete kindergarten education in this State. My budget seeks funding for voluntary full day kindergarten across Arizona. Although I support TAPBI programs as an option for older children who have already experienced classroom learning, until we have a voluntary full day classroom option for kindergartners (a program proven to work), it is premature to expand a pilot TAPBI program with an unknown fiscal impact and unclear educational benefits for young learners.

In addition, I do not believe that kindergartners should be subject to standardized, norm-referenced testing. Unfortunately, the TAPBI legislation passed last year opened the door to the prospect of such testing for kindergartners. House Bill 2618 not only fails to eliminate this possibility, but may make it more likely. I would urge the Legislature to heed the words of Superintendent Home and recognize that there are more appropriate ways to measure the progress of kindergartners.

I recognize that for some children, particularly those in some rural parts of Arizona, distance learning is one way to address travel hardships. Arizona must promote a kindergarten education system that is responsive to the needs of families across the state. Once we better understand the impact of distance learning on very young students, perhaps a more narrowly tailored version of House Bill 2618 should be considered.

Yours very truly,


Janet Napolitano
Governor



STATE OF ARIZONA

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April 16, 2004

**The Honorable Ken Bennett
Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007**

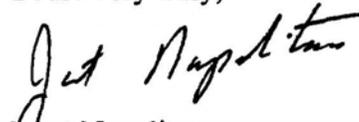
Re: SB 1012: Nursing Care Institution Administrators; Continuation

Dear President Bennett:

Today I vetoed Senate Bill 1012, regarding the continuation of the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Managers (the "Board"). Not only are many of the Board's activities parallel to work already performed by the Department of Health Services, but serious questions about the Board's operations have been raised. I believe the Auditor General should audit the Board to ensure that it is accomplishing its mission and continuing to carry out a proper and necessary government function, and I call upon the Joint Legislative Audit Committee to request such an audit pursuant to A.R.S. § 41-1279.03(A)(4). Until the results of such an audit are known, it is not prudent to authorize a ten-year extension of the Board.

Fortunately, there is still time for the Legislature to pass a more limited extension of the Board, if it so chooses. Another option is to enact the necessary statutory change to fold the Board's current duties into the Department of Health Services or another appropriate state agency. I believe either option is acceptable and that, at most, a one-year extension is all that is appropriate, pending the Auditor General's investigation.

Yours very truly,


Janet Napolitano
Governor



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

March 4, 2004

The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, AZ 85007

Dear President Bennett:

Today I vetoed Senate Bill 1077, a bill that mandates the information a physician must give a woman before she can obtain an abortion, requires that a woman certify she has received the information, and then imposes a mandatory waiting period before an abortion can be performed.

Existing Arizona law already requires that a physician obtain informed consent before performing any surgical procedure. *See Duncan v. Scottsdale Medical Imaging, Ltd.*, 205 Ariz. 306, 309, 70 P.3d 435, 438-39 (2003) (finding it "well established that a health care provider commits a common law battery on a patient if a medical procedure is performed without the patient's consent" and noting that a failure to obtain "informed consent" can also be the basis for a negligence claim). In addition, written consent for abortion procedures is mandated by the Arizona Administrative Code. A.A.C. R9-101508(E)(1).

Each of the patient disclosures listed in SB 1077 also is already required under Arizona law. For example, abortion clinics already are specifically obligated to inform patients "on the abortion procedure including alternatives, risks, and potential complications." A.A.C. R9-10-1508(E)(2). Clinics also are statutorily required to estimate the age of any fetus beyond 12 weeks gestation. A.R.S. § 36-449.03(D). A new law that further singles out abortions by adding a mandatory waiting period therefore advances no additional state interest; it merely imposes a burden on a woman's exercise of her constitutionally protected rights.

The Honorable Ken Bennett

March 4, 2004

Page Two

SB 1077 represents undue government intrusion into the relationship between a woman and her doctor, her family, her religious counselor, or whomever else she wishes to consult in making this most difficult of personal and medical decisions.

Finally, because SB 1077 interferes with the private medical decisions of women (and women only), it violates sections 8 and 13 of Article II of Arizona's Constitution. Our founders understood that "no person shall be disturbed in [her] private affairs," Art. II, § 8, and that privileges and immunities shall "equally belong to all citizens," Art. II, § 13. Our courts have honored these understandings in the context of personal medical decisions. *Simat Corp. v. Arizona Health Care Cost Containment Syst.*, 203 Ariz. 454, 56 P.3d 28 (2002). The legislature should do so as well.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano". The signature is written in a cursive, flowing style.

Janet Napolitano
Governor

**Cc: The Honorable Jake Flake
The Honorable Marilyn Jarrett**



JANET NAPOLITANO
GOVERNOR

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May 12, 2004

**The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, AZ 85007**

Re: Senate Bill 1081; ecological and animal terrorism

Dear President Bennett:

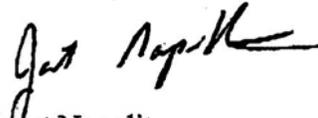
Today I vetoed Senate Bill 1081, ecological and animal terrorism bill. This bill is overbroad, unnecessary, and susceptible to a host of unintended and negative consequences.

The definition of "animal or ecological terrorism" contained in Senate Bill 1081 is broader than the definition of "terrorism" under existing Arizona law. Unlike "terrorism," which requires "intentional or knowing" conduct and an intent to either influence policy decisions or cause substantial damage to essential services, *see* A.R.S. § 13-2301(C)(8), the definition of "animal or ecological terrorism" would include even "reckless" conduct. I see no basis for allowing a lesser mental state for "animal or ecological" terrorists than for other terrorists.

Attorney General Goddard has reviewed existing state law and concluded that it provides adequate protection against acts of ecoterrorism. As he indicated to me in a May 6, 2004 letter, "while some conduct by animal or ecological advocates crosses the line into criminal conduct deserving of criminal sanctions ... existing criminal laws adequately sanction these behaviors. ... [T]he sweeping provisions of Senate Bill 1081 are so broad that they will result in unintended consequences and unnecessarily threaten protected speech."

In light of the above, I am vetoing the bill.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano". The signature is written in a cursive style with a long horizontal stroke at the end.

Janet Napolitano
Governor

**cc: Hon. Jake Flake
Hon. Thayer Verschoor**



STATE OF ARIZONA

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April 27, 2004

**The Honorable Ken Bennett
Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007**

Re: Senate Bill 1278: Psychiatric Medication; School Employees

Dear President Bennett:

Today I vetoed Senate Bill 1278, a bill that would have prohibited school districts from conditioning a child's school attendance upon either: 1) the obtainment of a psychiatric or psychological diagnosis or evaluation for the child; or 2) the use of psychiatric medication by the child. The Bill also essentially repeats existing restrictions, already codified at A.R.S. § 15-344, regarding the administration of medication by school district and charter school employees.

While I agree that in general school personnel should not conduct behavioral health examinations or administer psychiatric medication without the consent of a parent or guardian, school and child safety must be the priority. I cannot support a blanket prohibition against requiring evaluations or the use of medication in appropriate cases. Some mentally ill children require evaluation or medication before they can safely occupy classrooms with other children. To say that a district could *never* condition school attendance on the obtainment of an evaluation or the taking of medication by children who need it could place other children in our schools at risk.

Arizona school personnel must be encouraged to work directly with a child's parent or caretaker to ensure the safety of that child as well as all children who attend the school. This interaction should include the ability to understand and address the behavioral health needs of each child. I encourage school governing boards to adopt clear processes and policies for parents whose children require behavioral health services, and, where feasible, to assist such parents in meeting the educational and behavioral health needs of their children.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano".

Janet Napolitano
Governor

	Subpoena (civil)	17.00
	Research in locating a document	17.00
	Exemplification	17.00
	Seal a court file	17.00
	Reopen a sealed court file	17.00
	Retrieve bank records	17.00
	Payment history report	17.00
	Audiotape copy record duplication	17.00
F	Per page fee	
	Copies of any documents per page	\$ 0.50
G	Special fees	
	Small claims service by mail	\$ 3.00 8.00

B. This section does not deprive the parties to the action of the privilege of depositing amounts with the justice, in addition to those set forth in this section, for use in connection with the payment of constable's and sheriff's fees for service of process, levying of writs and other services for which fees are otherwise provided by law.

C. Excluding the monies that are kept by the court pursuant to subsection D of this section, justices of the peace shall transmit monthly to the county treasurer all monies collected pursuant to subsection A of this section. The county treasurer shall distribute or deposit all of the monies received pursuant to this subsection as follows:

1. 18.39 per cent to the state treasurer for deposit in the judicial collection enhancement fund established by section 12-113.
2. 2.42 per cent to the state treasurer for deposit in the alternative `dispute resolution fund established by section 12-135.
3. 71.15 per cent to the county general fund.

D. 8.04 per cent of the monies transmitted pursuant to subsection C of this section shall be kept and used by the court collecting the fees in the same manner as the seven dollars of the time payment fee prescribed by section 12-116, subsection B.

APPROVED BY THE GOVERNOR FEBRUARY 13, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 13, 2004.