



2005 Legislative Summary

First Regular Session of the 47th Legislature

The 2005 First Regular Session of the 47th Arizona Legislature was the fourth and final session for the judicial branch under the administration of Chief Justice Charles E. Jones, culminating his strategic policy agenda for the state's courts, *Justice for a Better Arizona*.

The Legislature adjourned, *sine die*, Friday, May 13, at 1:25 am. Justice Jones retired from the court on June 10, 2005. He left an indelible mark of integrity and distinction upon the Arizona court system, and his dedication and caring guidance will be missed. We welcome the new Chief Justice of the Arizona Supreme Court, Justice Ruth McGregor. We enthusiastically look forward to her leadership and meeting her challenge to take the Arizona court system "*From Good to Great*".

Similar to the 2004 session, lawmakers proposed a number of bill and constitutional amendments that, if passed, would have altered the structure of the judiciary. Again, there were both Senate and House Judiciary Committee meetings dedicated solely to these proposed changes. Judges, court officials, representatives and other interested parties from the Chief Justice to the Justices of the Peace traveled to the Capitol to testify about issues ranging from altering the merit selection process, to reorganizing the Commission on Judicial Performance, to changes in the administrative and jurisdictional authority of the Supreme Court.

One such example was SCR 1038. This Senate Concurrent Resolution would have drastically changed the constitutional merit selection process in Maricopa and Pima County by permitting the Governor to select "any qualified person of the Governor's own choosing" and requiring Senate confirmation of the appointment. Subsequent to a series of negotiations, the bill passed the Senate on a close vote, however was not heard in the house. All of the "judicial reform" bills failed to pass. We undoubtedly will see judicial reform legislation return next session.

Adequate funding for the judicial branch remained a major focus of our attention during this legislative session. House and Senate leadership vowed to pass a budget in the first 65 days of the session, and nearly succeeded by passing a budget in 67 days. The Governor, however, vetoed this entire budget package. Ultimately, as is usually the case, the budget cycle addressed some of our items and concerns, but failed to address others. One item acted on by the legislature was a 12.5 per cent salary increase for Supreme Court Justices, Court of Appeals and Superior Court Judges and by operation, Justices of the Peace. The passing of this item resulted in the first judicial salary increase since 2001.

The 2005 session saw the introduction of a number of bills impacting the administrative

operations of the judicial branch. Proposals ranged from changes to appellate practice in capital cases to the process of reporting photo enforcement citations. AOC and court personnel worked closely with legislators and staff in order to integrate legislative intent with court process. Interestingly, a good deal of time was spent on this area.

In Chief Justice Jones' final legislative session, the judicial branch forged new roads and developed better relationships, detected new areas of concern and identified room for improvement. Through the efforts of the Chief Justice's and of so many other dedicated people, Justice Jones' tenure and this legislative session will be remembered as one that brought many successes. We express our heartfelt thanks to Chief Justice Charles "Bud" Jones for his hard work and dedication and his contributions to our great state.

Detailed here are the bills affecting the Arizona Judiciary and other bills of interest from the 2005 regular session. They are cross-referenced in different formats and categories in order to aide review. The bill narratives were written by Administrative Office of the Courts (AOC) legislative staff.

The general effective date for 2005 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 12, 2005.

For 2004, there were a total of 1,311 bills introduced. Of those, the Legislature passed 392. Of the 392 passed, the Governor signed 334 bills and vetoed a record 58 bills. In addition, there were 132 Memorials and Resolutions introduced, of which 25 were approved by the Legislature.

The Administrative Office of the Courts expresses its appreciation to the staff of the Arizona State Senate, House of Representatives, Governor, Janet Napolitano, and Attorney General, Terry Goddard, for their assistance and coordination throughout the 2005 legislative session. 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 and the official chapter laws as released by the Arizona Secretary of State for the official copy of 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.

Table of Contents by Chapter Number

Ch. 2	SB 1372	HUMAN TRAFFICKING VIOLATIONS	25
Ch. 3	SB 1400	BUDGET RECONCILIATION; SUPPLEMENTAL APPROPRIATIONS	50
Ch. 7	HB 2569	SAFETY PRODUCTS; UNLAWFUL PRACTICES	1
Ch. 13	HB 2161	CORPORATIONS; LLCs; VIOLATIONS; CLASSIFICATION	26
Ch. 14	HB 2182	NONCONSENSUAL LIENS; NOTICE; RELEASE	8
Ch. 15	HB 2206	HEALTHCARE FACILITIES; PRISONERS	1
Ch. 17	HB 2363	COUNTY PRECINCT OFFICERS; SALARIES	50
Ch. 20	HB 2522	AGGRAVATING FACTORS; TRIER OF FACT	27
Ch. 23	SB 1006	EMINENT DOMAIN; ATTORNEY FEES; CLARIFICATION	8
Ch. 37	SB 1138	LOCAL EMERGENCY ASSISTANCE; MEDICAL TECHNICIANS	8
Ch. 44	SB 1039	FEDERAL PEACE OFFICERS; CROSS CERTIFICATION	50
Ch. 45	SB 1045	CHILD CUSTODY; RECODIFICATION	46
Ch. 46	SB 1048	BIRTH CERTIFICATES; ACCESS	1
Ch. 49	SB 1086	RECORDS ACCESS; VICTIMS OF VIOLENCE	51
Ch. 51	SB 1113	SEARCH WARRANTS; EXECUTION	28
Ch. 54	SB 1214	COMMERCIAL NUCLEAR GENERATING STATIONS; SECURITY	28
Ch. 57	SB 1269	CONCEALED WEAPONS; COUNTY DETENTION OFFICERS	51
Ch. 59	SB 1312	AUDIT REQUIREMENTS; COUNTY JAIL DISTRICTS	51
Ch. 69	HB 2166	DEAD BODIES; ABANDONMENT; CONCEALMENT	29
Ch. 74	HB 2305	JURIES; EXCUSE FROM SERVICE	20
Ch. 80	HB 2343	VEHICLES; SPECIAL REGISTRATION	62
Ch. 82	SB 1017	PAYROLL DEDUCTION AGREEMENTS; GROUP BENEFITS	2
Ch. 83	SB 1031	FALSE REPORTING	29
Ch. 87	SB 1071	DOMESTIC VIOLENCE FATALITY REVIEW TEAMS	46, 52
Ch. 93	SB 1152	VICTIMS' RIGHTS; RESTITUTION; NOTICE; FEE	30
Ch. 96	SB 1182	COLD CASE FILE TASK FORCE	52
Ch. 101	SB 1251	ELDER PROVIDER LIABILITY REFORM	9
Ch. 102	SB 1267	JUVENILE VICTIMS' RIGHTS; STATEMENT	30
Ch. 103	SB 1272	COURT RECORDS; PRESERVATION	20
Ch. 107	SB 1311	CERTIFIED REPORTERS; VERBATIM RECORDS	21
Ch. 108	SB 1314	CHILD SUPPORT; PATERNITY REGISTRY	46
Ch. 109	SB 1354	UNIFORM REAL PROPERTY; ELECTRONIC RECORDING	2
Ch. 110	SB 1369	IMPERSONATING A PEACE OFFICER	31
Ch. 112	SB 1418	LAW ENFORCEMENT OFFICERS; DUE PROCESS	21
Ch. 113	SB 1420	UNINSURED DRIVERS; PENALTIES; VEHICLE IMPOUNDMENT	62
Ch. 114	SB 1447	MISREPRESENTATION; ON-LINE BUSINESSES; IDENTIFYING INFORMATION	9, 31
Ch. 117	HB 2069	SUPERIOR COURT CLERKS SALARY	22, 52
Ch. 118	HB 2070	SEXUALLY VIOLENT PERSONS; NOTICE; REFERRAL	10
Ch. 119	HB 2087	INMATES; COMMUNITY ACCOUNTABILITY PILOT PROGRAMS	53
Ch. 124	HB 2150	ELECTRONIC NOTARIES	3
Ch. 127	HB 2191	NONPROBATE TRANSFERS; SECURITIES; ACCOUNTS	10
Ch. 130	HB 2249	CHILD SUPPORT; DISABILITIES; PATERNITY	47
Ch. 131	HB 2252	PROPERTY TAX ADMINISTRATION	10
Ch. 133	HB 2259	AGGRAVATING FACTORS; IMMIGRATION LAW VIOLATION	31

Ch. 134	HB 2267	SCHOOL TEACHERS; IMMUNITY	11
Ch. 136	HB 2414	COMPUTER SPYWARE	11
Ch. 137	HB 2428	EMANCIPATION OF MINORS	12, 47
Ch. 138	HB 2450	CONCEALED WEAPONS CERTIFICATION	53
Ch. 139	HB 2469	EMERGENCY VEHICLES; RIGHT-OF-WAY	63
Ch. 141	HB 2528	CIVIL ACTIONS; CRIMINAL CONDUCT	12
Ch. 142	HB 2676	JUDGES' ELECTION; BALLOT ORDER	22
Ch. 145	SB 1144	SERVICES TO INDIGENT DEFENDANTS; FEES	32
Ch. 151	HB 2187	STATE LIBRARY; RECOVERY OF COSTS	53
Ch. 154	HB 2337	VICTIM NOTIFICATION; DISMISSED COUNTS	32
Ch. 155	HB 2368	SCHOOL POLICIES; PUPILS; BULLYING	54
Ch. 165	HB 2633	BANKRUPTCY; EXEMPTIONS; LIFE INSURANCE	13
Ch. 166	HB 2713	SENTENCING; OFFENSES; REGISTRATION; STUN GUNS	32
Ch. 167	SB 1044	SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS	33, 54
Ch. 174	SB 1313	SUPPORT PAYMENTS; ELECTRONIC TRANSFERS	48
Ch. 175	SB 1376	VICTIM COMPENSATION FUND; SUBROGATION	33, 54
Ch. 176	SB 1382	SEX OFFENDERS; REGISTRATION	33
Ch. 177	SB 1444	FINGERPRINTING; UNIVERSITY SECURITY PERSONNEL	13, 55
Ch. 178	HB 2093	EMPLOYMENT SECURITY; CONTRIBUTIONS; TRANSFERS	14
Ch. 183	SB 1036	MEDICAL MALPRACTICE PROCEDURAL REFORMS	14
Ch. 185	SB 1040	SEXUAL ASSAULT; MARITAL STATUS REPEAL	34
Ch. 187	SB 1047	COMMUNITY RESTITUTION	34
Ch. 188	SB 1052	UNBORN CHILDREN; PROTECTION	35
Ch. 189	SB 1053	ELECTIVE OFFICES; TEMPORARY MILITARY VACANCIES	55
Ch. 190	SB 1058	IDENTITY THEFT	35
Ch. 192	SB 1122	SCHOOLS; MEDICATIONS; CIVIL IMMUNITY	14
Ch. 195	SB 1148	PROPERTY INTERESTS; DISCLAIMERS; UNIFORM ACT	15
Ch. 197	SB 1207	COMMUNITY COLLEGES; ELECTIONS; POLITICAL INFLUENCE	15, 55
Ch. 203	SB 1303	PROBATION OFFICERS; COMPENSATION; ASSOCIATIONS; DISCIPLINE	22
Ch. 206	SB 1353	MEDICAL RECORDS AND PAYMENT RECORDS	3
Ch. 208	SB 1366	RETIREMENT; CONTRIBUTION LIMITS; SERVICE PURCHASES	4
Ch. 212	SB 1472	PROFESSIONAL EMPLOYER ORGANIZATIONS	5, 36
Ch. 214	SB 1488	PERSONS LAWFULLY DETAINED; IDENTIFICATION REQUIREMENT	37
Ch. 220	HB 2220	KINSHIP FOSTER CARE	48
Ch. 225	HB 2325	CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE	37, 56
Ch. 230	HB 2470	SOCIAL SECURITY NUMBERS; CIVIL PENALTY	15
Ch. 233	HB 2599	EMERGENCY WORKERS; LIABILITY	16
Ch. 239	HB 2679	TATTOO PARLORS; WASTE DISPOSAL	16
Ch. 243	HB 2500	COUNTY RECORDS; REDACTING RESIDENTIAL INFORMATION	56
Ch. 246	HB 2091	FINGERPRINT DATA; CLEARANCE CARD	56
Ch. 252	SB 1013	RESTORATION OF COMPETENCY	38
Ch. 257	SB 1318	OMNIBUS; FLOOD CONTROL	38
Ch. 260	SB 1433	VICTIMS' RIGHTS OMNIBUS	38, 39
Ch. 267	SB 1356	STATE EMPLOYEES; MILITARY DIFFERENTIAL PAY	57
Ch. 268	HB 2115	PROVIDING MINORS ALCOHOL; LICENSE SUSPENSION	63
Ch. 275	HB 2426	CONSTITUTIONAL COMMEMORATION COMMITTEE; CONTINUATION	6
Ch. 279	SB 1309	SCHOOL PUPILS; ASTHMA; SELF-MEDICATION	17
Ch. 282	SB 1338	SEX OFFENDER REGISTRATION; RESIDENCE; ADDRESS	40

Ch. 284	HB 2647	LIQUOR; OMNIBUS	41
Ch. 286	SB 1513	GENERAL APPROPRIATIONS; BUDGET	57
Ch. 291	HB 2242	MENTAL HEALTH SERVICES; LEGAL REPRESENTATIVES	17
Ch. 295	HB 2439	FIRST RESPONDERS; BUILDING INFORMATION SYSTEM	58
Ch. 296	HB 2620	FUNDING; DRUG COURT PROGRAMS	23
Ch. 297	HB 2621	RETIREE HEALTH INSURANCE; RURAL SUBSIDY	6
Ch. 300	HB 2776	CRIMINAL JUSTICE; BUDGET	58-60
Ch. 307	SB 1160	DUI ASSESSMENTS; DPS EQUIPMENT; BONUSES	64
Ch. 308	SB 1166	TERRORISM; ANIMAL; ECOLOGICAL	41
Ch. 312	SB 1240	CERTIFIED IGNITION INTERLOCK DEVICES	64
Ch. 313	SB 1254	IMMOBILIZATION OF VEHICLES; DUI	65
Ch. 315	SB 1299	GIFT CARDS; DISCLOSURE; FEES; EXPIRATION	17
Ch. 320	SB 1384	SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION	42
Ch. 325	SB 1429	CAPITAL CASES; AGGRAVATING FACTORS; EXPERTS	43
Ch. 326	SB 1436	MOBILE HOME PARKS; LANDLORD; TENANT	18
Ch. 327	SB 1473	PRECURSOR CHEMICALS; DANGEROUS DRUGS; BAIL	44, 60

Table of Contents by Bill Number

House Bills

HB 2030	Vetoed	PUBLIC PROGRAMS; CITIZENSHIP	83
HB 2058	Failed	JPs; QUALIFICATIONS	67
HB 2069	Ch. 117	SUPERIOR COURT CLERKS SALARY	22, 52
HB 2070	Ch. 118	SEXUALLY VIOLENT PERSONS; NOTICE; REFERRAL	10
HB 2076	Failed	TECHNICAL CORRECTION; TAX COURT DECISIONS	67
HB 2087	Ch. 119	INMATES; COMMUNITY ACCOUNTABILITY PILOT PROGRAMS	53
HB 2091	Ch. 246	FINGERPRINT DATA; CLEARANCE CARD	56
HB 2093	Ch. 178	EMPLOYMENT SECURITY; CONTRIBUTIONS; TRANSFERS	14
HB 2109	Failed	VICTIMS' RIGHTS; STANDING TO INVOKE	67
HB 2115	Ch. 268	PROVIDING MINORS ALCOHOL; LICENSE SUSPENSION	63
HB 2144	Failed	HOMEOWNERS' ASSOCIATION PENALTIES; NOTICE; HEARING	68
HB 2149	Failed	SOCIAL SECURITY NUMBERS; GOVERNMENT REQUEST	68
HB 2150	Ch. 124	ELECTRONIC NOTARIES	3
HB 2161	Ch. 13	CORPORATIONS; LLCs; VIOLATIONS; CLASSIFICATION	26
HB 2165	Failed	VULNERABLE ADULTS; FINANCIAL ABUSE	68
HB 2166	Ch. 69	DEAD BODIES; ABANDONMENT; CONCEALMENT	29
HB 2182	Ch. 14	NONCONSENSUAL LIENS; NOTICE; RELEASE	8
HB 2187	Ch. 151	STATE LIBRARY; RECOVERY OF COSTS	53
HB 2191	Ch. 127	NONPROBATE TRANSFERS; SECURITIES; ACCOUNTS	10
HB 2206	Ch. 15	HEALTHCARE FACILITIES; PRISONERS	1
HB 2220	Ch. 220	KINSHIP FOSTER CARE	48
HB 2226	Vetoed	FEDERAL FUNDS; REPORTING	83
HB 2234	Failed	RESTITUTION; ECONOMIC LOSS	69
HB 2236	Failed	COMPETENCY EVALUATION EXAMINATIONS; COSTS	69
HB 2242	Ch. 291	MENTAL HEALTH SERVICES; LEGAL REPRESENTATIVES	17
HB 2243	Failed	MATERNITY; PATERNITY; PROCEEDINGS	70
HB 2248	Failed	ORDERS; RECORDING REQUIREMENTS; PATERNITY REGISTRY	70
HB 2249	Ch. 130	CHILD SUPPORT; DISABILITIES; PATERNITY	47
HB 2252	Ch. 131	PROPERTY TAX ADMINISTRATION	10
HB 2257	Failed	JUSTICE COURTS; JURISDICTIONAL LIMIT	70
HB 2259	Ch. 133	AGGRAVATING FACTORS; IMMIGRATION LAW VIOLATION	31
HB 2267	Ch. 134	SCHOOL TEACHERS; IMMUNITY	11
HB 2283	Failed	PERSONS WITH DEVELOPMENTAL DISABILITIES; GUARDIANSHIPS	71
HB 2284	Failed	MENTAL HEALTH SERVICES; CONFIDENTIAL INFORMATION	71
HB 2303	Failed	CONCILIATION COURT; LIFTING OF STAY	71
HB 2305	Ch. 74	JURIES; EXCUSE FROM SERVICE	20
HB 2310	Failed	SENTENCING; AGGRAVATING CIRCUMSTANCES, MISDEMEANORS	72
HB 2320	Failed	JP COURTS; PRODUCTIVITY CREDITS; COMPENSATION	72
HB 2325	Ch. 225	CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE	37, 56
HB 2327	Failed	PROSTITUTION; SENTENCING	72
HB 2337	Ch. 154	VICTIM NOTIFICATION; DISMISSED COUNTS	32

HB 2342	Failed	ADMINISTRATIVE LAW JUDGES; CONFIDENTIAL INFORMATION	72
HB 2343	Ch. 80	VEHICLES; SPECIAL REGISTRATION	62
HB 2363	Ch. 17	COUNTY PRECINCT OFFICERS; SALARIES	50
HB 2368	Ch. 155	SCHOOL POLICIES; PUPILS; BULLYING	54
HB 2396	Failed	CLEAN ELECTIONS; JUDICIAL OFFICES	73
HB 2403	Failed	JUDGES; AUTOMATIC INCREASE ELIMINATED	73
HB 2404	Vetoed	CAPITOL POLICE; TRANSFER	83
HB 2405	Failed	PROBATION; COUNTIES; OFFICERS; FUNDING	73
HB 2408	Failed	CLASS 6 FELONIES; RECLASSIFICATION	73
HB 2411	Failed	EORP; MEMBERSHIP	74
HB 2414	Ch. 136	COMPUTER SPYWARE	11
HB 2426	Ch. 275	CONSTITUTIONAL COMMEMORATION COMMITTEE; CONTINUATION	6
HB 2428	Ch. 137	EMANCIPATION OF MINORS	12, 47
HB 2439	Ch. 295	FIRST RESPONDERS; BUILDING INFORMATION SYSTEM	58
HB 2440	Failed	STATE LOTTERY; DISTRIBUTIONS	74
HB 2450	Ch. 138	CONCEALED WEAPONS CERTIFICATION	53
HB 2457	Failed	EORP; SURVIVING SPOUSE PENSIONS	74
HB 2458	Failed	EORP; CONTRIBUTIONS; BUYBACKS	75
HB 2469	Ch. 139	EMERGENCY VEHICLES; RIGHT-OF-WAY	63
HB 2470	Ch. 230	SOCIAL SECURITY NUMBERS; CIVIL PENALTY	15
HB 2480	Failed	STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION	75
HB 2500	Ch. 243	COUNTY RECORDS; REDACTING RESIDENTIAL INFORMATION	56
HB 2505	Vetoed	ELECTED OFFICIALS; OFFICEHOLDER EXPENSES; ACCOUNTS	84
HB 2522	Ch. 20	AGGRAVATING FACTORS; TRIER OF FACT	27
HB 2528	Ch. 141	CIVIL ACTIONS; CRIMINAL CONDUCT	12
HB 2561	Failed	RACING ON HIGHWAYS; VEHICLE IMPOUNDMENT	75
HB 2564	Failed	DRUG TESTING; TAINTED URINE SAMPLES	75
HB 2569	Ch. 7	SAFETY PRODUCTS; UNLAWFUL PRACTICES	1
HB 2599	Ch. 233	EMERGENCY WORKERS; LIABILITY	16
HB 2620	Ch. 296	FUNDING; DRUG COURT PROGRAMS	23
HB 2621	Ch. 297	RETIREE HEALTH INSURANCE; RURAL SUBSIDY	6
HB 2633	Ch. 165	BANKRUPTCY; EXEMPTIONS; LIFE INSURANCE	13
HB 2647	Ch. 284	LIQUOR; OMNIBUS	41
HB 2676	Ch. 142	JUDGES' ELECTION; BALLOT ORDER	22
HB 2679	Ch. 239	TATTOO PARLORS; WASTE DISPOSAL	16
HB 2709	Vetoed	PRIVATE PRISONS; MEXICO FACILITY	84
HB 2713	Ch. 166	SENTENCING; OFFENSES; REGISTRATION; STUN GUNS	32
HB 2718	Vetoed	ENGLISH LANGUAGE LEARNERS	85
HB 2770	Vetoed	GENERAL REVENUES; BUDGET	85
HB 2776	Ch. 300	CRIMINAL JUSTICE; BUDGET	58-60
HB 2782	Vetoed	FULL-DAY KINDERGARTEN; EXPANSION	86
HCR2005	Failed	JUSTICE COURTS; JURISDICTIONAL LIMITS	76
HCR2013	Failed	ELECTION; PRESIDING SUPERIOR COURT JUDGES	76
HCR2014	Failed	SUPREME COURT; JURISDICTION	76
HCR2026	Failed	SUPREME COURT; ADMINISTRATIVE SUPERVISION	76
HCR2031	Failed	SEPARATION OF POWERS; JUDICIAL LAWMAKING	77
HCR2035	Failed	JUDICIAL CONDUCT; OPEN RECORDS; PROCEEDINGS	77
HCR2040	Failed	JUDGES; MERIT SELECTION; POPULATION	77

HCR2056	Failed	JUSTICES AND JUDGES; GOVERNOR APPOINTMENT	78
HCR2057	Failed	COURT APPOINTMENTS; COMMISSIONS; MEMBERS	78

Senate Bills

SB 1003	Failed	PERSONS EXCUSED FROM JURY SERVICE	78
SB 1004	Failed	JURIES; PERSONS EXCUSED FROM JURY SERVICE	79
SB 1006	Ch. 23	EMINENT DOMAIN; ATTORNEY FEES; CLARIFICATION	8
SB 1013	Ch. 252	RESTORATION OF COMPETENCY	38
SB 1015	Failed	JURIES; PERSONS EXCUSED FROM JURY SERVICE	79
SB 1017	Ch. 82	PAYROLL DEDUCTION AGREEMENTS; GROUP BENEFITS	2
SB 1031	Ch. 83	FALSE REPORTING	29
SB 1036	Ch. 183	MEDICAL MALPRACTICE PROCEDURAL REFORMS	14
SB 1039	Ch. 44	FEDERAL PEACE OFFICERS; CROSS CERTIFICATION	50
SB 1040	Ch. 185	SEXUAL ASSAULT; MARITAL STATUS REPEAL	34
SB 1044	Ch. 167	SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS	33, 54
SB 1045	Ch. 45	CHILD CUSTODY; RECODIFICATION	46
SB 1046	Failed	ORDERS OF PROTECTION; SERVICE	79
SB 1047	Ch. 187	COMMUNITY RESTITUTION	34
SB 1048	Ch. 46	BIRTH CERTIFICATES; ACCESS	1
SB 1052	Ch. 188	UNBORN CHILDREN; PROTECTION	35
SB 1053	Ch. 189	ELECTIVE OFFICES; TEMPORARY MILITARY VACANCIES	55
SB 1058	Ch. 190	IDENTITY THEFT	35
SB 1071	Ch. 87	DOMESTIC VIOLENCE FATALITY REVIEW TEAMS	46, 52
SB 1086	Ch. 49	RECORDS ACCESS; VICTIMS OF VIOLENCE	51
SB 1113	Ch. 51	SEARCH WARRANTS; EXECUTION	28
SB 1122	Ch. 192	SCHOOLS; MEDICATIONS; CIVIL IMMUNITY	14
SB 1138	Ch. 37	LOCAL EMERGENCY ASSISTANCE; MEDICAL TECHNICIANS	8
SB 1144	Ch. 145	SERVICES TO INDIGENT DEFENDANTS; FEES	32
SB 1145	Vetoed	MARRIAGE DISSOLUTION; MISCONDUCT	86
SB 1148	Ch. 195	PROPERTY INTERESTS; DISCLAIMERS; UNIFORM ACT	15
SB 1152	Ch. 93	VICTIMS' RIGHTS; RESTITUTION; NOTICE; FEE	30
SB 1160	Ch. 307	DUI ASSESSMENTS; DPS EQUIPMENT; BONUSES	64
SB 1166	Ch. 308	TERRORISM; ANIMAL; ECOLOGICAL	41
SB 1167	Vetoed	ENGLISH AS OFFICIAL LANGUAGE	87
SB 1182	Ch. 96	COLD CASE FILE TASK FORCE	52
SB 1186	Vetoed	VOTER REGISTRATION INFORMATION; PRIVACY; CITIZENSHIP	87
SB 1188	Vetoed	AGENCY BUDGETS; RESPONSIBILITIES	88
SB 1207	Ch. 197	COMMUNITY COLLEGES; ELECTIONS; POLITICAL INFLUENCE	15, 55
SB 1214	Ch. 54	COMMERCIAL NUCLEAR GENERATING STATIONS; SECURITY	28
SB 1215	Failed	JUSTICE OF THE PEACE; DUTIES	79
SB 1216	Failed	PRESIDING JP; DUTIES	80
SB 1240	Ch. 312	CERTIFIED IGNITION INTERLOCK DEVICES	64
SB 1251	Ch. 101	ELDER PROVIDER LIABILITY REFORM	9
SB 1254	Ch. 313	IMMOBILIZATION OF VEHICLES; DUI	65
SB 1267	Ch. 102	JUVENILE VICTIMS' RIGHTS; STATEMENT	30
SB 1269	Ch. 57	CONCEALED WEAPONS; COUNTY DETENTION OFFICERS	51

SB 1272	Ch. 103	COURT RECORDS; PRESERVATION	20
SB 1299	Ch. 315	GIFT CARDS; DISCLOSURE; FEES; EXPIRATION	17
SB 1303	Ch. 203	PROBATION OFFICERS; COMPENSATION; ASSOCIATIONS; DISCIPLINE	22
SB 1306	Vetoed	LOCAL ENFORCEMENT; FEDERAL IMMIGRATION LAWS	88
SB 1309	Ch. 279	SCHOOL PUPILS; ASTHMA; SELF-MEDICATION	17
SB 1311	Ch. 107	CERTIFIED REPORTERS; VERBATIM RECORDS	21
SB 1312	Ch. 59	AUDIT REQUIREMENTS; COUNTY JAIL DISTRICTS	51
SB 1313	Ch. 174	SUPPORT PAYMENTS; ELECTRONIC TRANSFERS	48
SB 1314	Ch. 108	CHILD SUPPORT; PATERNITY REGISTRY	46
SB 1318	Ch. 257	OMNIBUS; FLOOD CONTROL	38
SB 1338	Ch. 282	SEX OFFENDER REGISTRATION; RESIDENCE; ADDRESS	40
SB 1339	Vetoed	CIVIL RIGHTS; IDENTITY DISCLOSURE PROHIBITED	88
SB 1353	Ch. 206	MEDICAL RECORDS AND PAYMENT RECORDS	3
SB 1354	Ch. 109	UNIFORM REAL PROPERTY; ELECTRONIC RECORDING	2
SB 1356	Ch. 267	STATE EMPLOYEES; MILITARY DIFFERENTIAL PAY	57
SB 1363	Vetoed	BAR LICENSES; FIREARMS; POSTED NOTICE	89
SB 1366	Ch. 208	RETIREMENT; CONTRIBUTION LIMITS; SERVICE PURCHASES	4
SB 1369	Ch. 110	IMPERSONATING A PEACE OFFICER	31
SB 1372	Ch. 2	HUMAN TRAFFICKING VIOLATIONS	25
SB 1376	Ch. 175	VICTIM COMPENSATION FUND; SUBROGATION	33, 54
SB 1382	Ch. 176	SEX OFFENDERS; REGISTRATION	33
SB 1384	Ch. 320	SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION	42
SB 1397	Vetoed	BUDGET RECONCILIATION; CRIMINAL JUSTICE	89
SB 1400	Ch. 3	BUDGET RECONCILIATION; SUPPLEMENTAL APPROPRIATIONS	50
SB 1408	Vetoed	GENERAL APPROPRIATIONS; 2005-2006	89
SB 1418	Ch. 112	LAW ENFORCEMENT OFFICERS; DUE PROCESS	21
SB 1420	Ch. 113	UNINSURED DRIVERS; PENALTIES; VEHICLE IMPOUNDMENT	62
SB 1427	Vetoed	CLEAN ELECTIONS; RULES; REPORT	89
SB 1429	Ch. 325	CAPITAL CASES; AGGRAVATING FACTORS; EXPERTS	43
SB 1433	Ch. 260	VICTIMS' RIGHTS OMNIBUS	38-39
SB 1436	Ch. 326	MOBILE HOME PARKS; LANDLORD; TENANT	18
SB 1444	Ch. 177	FINGERPRINTING; UNIVERSITY SECURITY PERSONNEL	13, 55
SB 1447	Ch. 114	MISREPRESENTATION; ON-LINE BUSINESSES; IDENTIFYING INFO	9, 31
SB 1472	Ch. 212	PROFESSIONAL EMPLOYER ORGANIZATIONS	5, 36
SB 1473	Ch. 327	PRECURSOR CHEMICALS; DANGEROUS DRUGS; BAIL	44, 60
SB 1488	Ch. 214	PERSONS LAWFULLY DETAINED; IDENTIFICATION REQUIREMENT	37
SB 1511	Vetoed	SECURE AND VERIFIABLE IDENTIFICATION	90
SB 1513	Ch. 286	GENERAL APPROPRIATIONS; BUDGET	57
SB 1527	Vetoed	TUITION ORGANIZATIONS; TAX CREDIT; BUDGET	90
SCR1025	Failed	COURT JUDGMENTS; LEGISLATIVE APPROVAL	80
SCR1032	Failed	SUPERIOR COURT JUDGES; SUPERVISORIAL DISTRICTS	80
SCR1038	Failed	JUSTICE AND JUDGES; SENATE CONFIRMATION	81

Table of Contents by Category

Administration and General

Ch. 7	HB 2569	SAFETY PRODUCTS; UNLAWFUL PRACTICES	1
Ch. 15	HB 2206	HEALTHCARE FACILITIES; PRISONERS	1
Ch. 46	SB 1048	BIRTH CERTIFICATES; ACCESS	1
Ch. 82	SB 1017	PAYROLL DEDUCTION AGREEMENTS; GROUP BENEFITS	2
Ch. 109	SB 1354	UNIFORM REAL PROPERTY; ELECTRONIC RECORDING	2
Ch. 124	HB 2150	ELECTRONIC NOTARIES	3
Ch. 206	SB 1353	MEDICAL RECORDS AND PAYMENT RECORDS	3
Ch. 208	SB 1366	RETIREMENT; CONTRIBUTION LIMITS; SERVICE PURCHASES	4
Ch. 212	SB 1472	PROFESSIONAL EMPLOYER ORGANIZATIONS	5
Ch. 275	HB 2426	CONSTITUTIONAL COMMEMORATION COMMITTEE; CONTINUATION	6
Ch. 297	HB 2621	RETIREE HEALTH INSURANCE; RURAL SUBSIDY	6

Civil

Ch. 14	HB 2182	NONCONSENSUAL LIENS; NOTICE; RELEASE	8
Ch. 23	SB 1006	EMINENT DOMAIN; ATTORNEY FEES; CLARIFICATION	8
Ch. 37	SB 1138	LOCAL EMERGENCY ASSISTANCE; MEDICAL TECHNICIANS	8
Ch. 101	SB 1251	ELDER PROVIDER LIABILITY REFORM	9
Ch. 114	SB 1447	MISREPRESENTATION; ON-LINE BUSINESSES; IDENTIFYING INFO	9
Ch. 118	HB 2070	SEXUALLY VIOLENT PERSONS; NOTICE; REFERRAL	10
Ch. 127	HB 2191	NONPROBATE TRANSFERS; SECURITIES; ACCOUNTS	10
Ch. 131	HB 2252	PROPERTY TAX ADMINISTRATION	10
Ch. 134	HB 2267	SCHOOL TEACHERS; IMMUNITY	11
Ch. 136	HB 2414	COMPUTER SPYWARE	11
Ch. 137	HB 2428	EMANCIPATION OF MINORS	12
Ch. 141	HB 2528	CIVIL ACTIONS; CRIMINAL CONDUCT	12
Ch. 165	HB 2633	BANKRUPTCY; EXEMPTIONS; LIFE INSURANCE	13
Ch. 177	SB 1444	FINGERPRINTING; UNIVERSITY SECURITY PERSONNEL	13
Ch. 178	HB 2093	UNEMPLOYMENT SECURITY; CONTRIBUTIONS; TRANSFERS	14
Ch. 183	SB 1036	MEDICAL MALPRACTICE PROCEDURAL REFORMS	14
Ch. 192	SB 1122	SCHOOLS; MEDICATIONS; CIVIL IMMUNITY	14
Ch. 195	SB 1148	PROPERTY INTERESTS; DISCLAIMERS; UNIFORM ACT	15
Ch. 197	SB 1207	COMMUNITY COLLEGES; ELECTIONS; POLITICAL INFLUENCE	15
Ch. 230	HB 2470	SOCIAL SECURITY NUMBERS; CIVIL PENALTY	15
Ch. 233	HB 2599	EMERGENCY WORKERS; LIABILITY	16
Ch. 239	HB 2679	TATTOO PARLORS; WASTE DISPOSAL	16
Ch. 279	SB 1309	SCHOOL PUPILS; ASTHMA; SELF-MEDICATION	17
Ch. 291	HB 2242	MENTAL HEALTH SERVICES; LEGAL REPRESENTATIVES	17
Ch. 315	SB 1299	GIFT CARDS; DISCLOSURE; FEES; EXPIRATION	17
Ch. 326	SB 1436	MOBILE HOME PARKS; LANDLORD; TENANT	18

Court Administration

Ch. 74	HB 2305	JURIES; EXCUSE FROM SERVICE	20
Ch. 103	SB 1272	COURT RECORDS; PRESERVATION	20
Ch. 107	SB 1311	CERTIFIED REPORTERS; VERBATIM RECORDS	21
Ch. 112	SB 1418	LAW ENFORCEMENT OFFICERS; DUE PROCESS	21
Ch. 117	HB 2069	SUPERIOR COURT CLERKS SALARY	22
Ch. 142	HB 2676	JUDGES' ELECTION; BALLOT ORDER	22
Ch. 203	SB 1303	PROBATION OFFICERS; COMPENSATION; ASSOCIATIONS; DISCIPLINE	22
Ch. 296	HB 2620	FUNDING; DRUG COURT PROGRAMS	23

Criminal & Juvenile

Ch. 2	SB 1372	HUMAN TRAFFICKING VIOLATIONS	25
Ch. 13	HB 2161	CORPORATIONS; LLCs; VIOLATIONS; CLASSIFICATION	26
Ch. 20	HB 2522	AGGRAVATING FACTORS; TRIER OF FACT	27
Ch. 51	SB 1113	SEARCH WARRANTS EXECUTION	28
Ch. 54	SB 1214	COMMERCIAL NUCLEAR GENERATING STATIONS; SECURITY	28
Ch. 69	HB 2166	DEAD BODIES; ABANDONMENT; CONCEALMENT	29
Ch. 83	SB 1031	FALSE REPORTING	29
Ch. 93	SB 1152	VICTIMS' RIGHTS; RESTITUTION; NOTICE; FEE	30
Ch. 102	SB 1267	JUVENILE VICTIMS' RIGHTS; STATEMENT	30
Ch. 110	SB 1369	IMPERSONATING A PEACE OFFICER	31
Ch. 114	SB 1447	MISREPRESENTATION; ON-LINE BUSINESSES; IDENTIFYING INFO	31
Ch. 133	HB 2259	AGGRAVATING FACTORS; IMMIGRATION LAW VIOLATION	31
Ch. 145	SB 1144	SERVICES TO INDIGENT DEFENDANTS; FEES	32
Ch. 154	HB 2337	VICTIM NOTIFICATION; DISMISSED COUNTS	32
Ch. 166	HB 2713	SENTENCING; OFFENSES; REGISTRATION; STUN GUNS	32
Ch. 167	SB 1044	SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS	33
Ch. 175	SB 1376	VICTIM COMPENSATION FUND; SUBROGATION	33
Ch. 176	SB 1382	SEX OFFENDERS; REGISTRATION	33
Ch. 185	SB 1040	SEXUAL ASSAULT; MARITAL STATUS REPEAL	34
Ch. 187	SB 1047	COMMUNITY RESTITUTION	34
Ch. 188	SB 1052	UNBORN CHILDREN; PROTECTION	35
Ch. 190	SB 1058	IDENTITY THEFT	35
Ch. 212	SB 1472	PROFESSIONAL EMPLOYER ORGANIZATIONS	36
Ch. 214	SB 1488	PERSONS LAWFULLY DETAINED; IDENTIFICATION REQUIREMENT	37
Ch. 225	HB 2325	CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE	37
Ch. 252	SB 1013	RESTORATION OF COMPETENCY	38
Ch. 257	SB 1318	OMNIBUS; FLOOD CONTROL	38
Ch. 260	SB 1433	VICTIMS' RIGHTS OMNIBUS	38, 39
Ch. 282	SB 1338	SEX OFFENDER REGISTRATION; RESIDENCE; ADDRESS	40
Ch. 284	HB 2647	LIQUOR; OMNIBUS	41
Ch. 308	SB 1166	TERRORISM; ANIMAL; ECOLOGICAL	41
Ch. 320	SB 1384	SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION	42

Ch. 325	SB 1429	CAPITAL CASES; AGGRAVATING FACTORS; EXPERTS	43
Ch. 327	SB 1473	PRECURSOR CHEMICALS; DANGEROUS DRUGS; BAIL	44

Family Court

Ch. 45	SB 1045	CHILD CUSTODY; RECODIFICATION	46
Ch. 87	SB 1071	DOMESTIC VIOLENCE FATALITY REVIEW TEAMS	46
Ch. 108	SB 1314	CHILD SUPPORT; PATERNITY REGISTRY	46
Ch. 130	HB 2249	CHILD SUPPORT; DISABILITIES; PATERNITY	47
Ch. 137	HB 2428	EMANCIPATION OF MINORS	47
Ch. 174	SB 1313	SUPPORT PAYMENTS; ELECTRONIC TRANSFERS	48
Ch. 220	HB 2220	KINSHIP FOSTER CARE	48

Government

Ch. 3	SB 1400	BUDGET RECONCILIATION; SUPPLEMENTAL APPROPRIATIONS	50
Ch. 17	HB 2363	COUNTY PRECINCT OFFICERS; SALARIES	50
Ch. 44	SB 1039	FEDERAL PEACE OFFICERS; CROSS CERTIFICATION	50
Ch. 49	SB 1086	RECORDS ACCESS; VICTIMS OF VIOLENCE	51
Ch. 57	SB 1269	CONCEALED WEAPONS; COUNTY DETENTION OFFICERS	51
Ch. 59	SB 1312	AUDIT REQUIREMENTS; COUNTY JAIL DISTRICTS	51
Ch. 87	SB 1071	DOMESTIC VIOLENCE FATALITY REVIEW TEAMS	52
Ch. 96	SB 1182	COLD CASE FILE TASK FORCE	52
Ch. 117	HB 2069	SUPERIOR COURT CLERKS SALARY	52
Ch. 119	HB 2087	INMATES; COMMUNITY ACCOUNTABILITY PILOT PROGRAMS	53
Ch. 138	HB 2450	CONCEALED WEAPONS CERTIFICATION	53
Ch. 151	HB 2187	STATE LIBRARY; RECOVERY OF COSTS	53
Ch. 155	HB 2368	SCHOOL POLICIES; PUPILS; BULLYING	54
Ch. 167	SB 1044	SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS	54
Ch. 175	SB 1376	VICTIM COMPENSATION FUND; SUBROGATION	54
Ch. 177	SB 1444	FINGERPRINTING; UNIVERSITY SECURITY PERSONNEL	55
Ch. 189	SB 1053	ELECTIVE OFFICES; TEMPORARY MILITARY VACANCIES	55
Ch. 197	SB 1207	COMMUNITY COLLEGES; ELECTIONS; POLITICAL INFLUENCES	55
Ch. 225	HB 2325	CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE	56
Ch. 243	HB 2500	COUNTY RECORDS; REDACTING RESIDENTIAL INFORMATION	56
Ch. 246	HB 2091	FINGERPRINTING DATA; CLEARANCE CARD	56
Ch. 267	SB 1356	STATE EMPLOYEES; MILITARY DIFFERENTIAL PAY	57
Ch. 286	SB 1513	GENERAL APPROPRIATIONS; BUDGET	57
Ch. 295	HB 2439	FIRST RESPONDERS; BUILDING INFORMATION SYSTEM	58
Ch. 300	HB 2776	CRIMINAL JUSTICE; BUDGET	58 - 60
Ch. 327	SB 1473	PRECURSOR CHEMICALS; DANGEROUS DRUGS; BAIL	60

Traffic

Ch. 80	HB 2343	VEHICLES; SPECIAL REGISTRATION	62
--------	---------	--------------------------------	----

Ch. 113	SB 1420	UNINSURED DRIVERS; PENALTIES; VEHICLE IMPOUNDMENT	62
Ch. 139	HB 2469	EMERGENCY VEHICLES; RIGHT-OF-WAY	63
Ch. 268	HB 2115	PROVIDING MINORS ALCOHOL; LICENSE SUSPENSION	63
Ch. 307	SB 1160	DUI ASSESSMENT; DPS EQUIPMENT; BONUSES	64
Ch. 312	SB 1240	CERTIFIED IGNITION INTERLOCK DEVICES	64
Ch. 313	SB 1254	IMMOBILIZATION OF VEHICLES; DUI	65

Bills That Failed to Pass

-	HB 2058	JPs QUALIFICATIONS	67
-	HB 2076	TECHNICAL CORRECTION; TAX COURT DECISIONS	67
-	HB 2109	VICTIMS' RIGHTS; STANDING TO INVOKE	67
-	HB 2144	HOMEOWNERS ASSOCIATION PENALTIES; NOTICE; HEARING	68
-	HB 2149	SOCIAL SECURITY NUMBERS; GOVERNMENT REQUEST	68
-	HB 2165	VULNERABLE ADULTS; FINANCIAL ABUSE	68
-	HB 2234	RESTITUTION; ECONOMIC LOSS DEFINITION	69
-	HB 2236	COMPETENCY EVALUATION EXAMINATIONS; COSTS	69
-	HB 2243	MATERNITY; PATERNITY; PROCEEDINGS	70
-	HB 2248	ORDERS; RECORDING REQUIREMENTS; PATERNITY REGISTRY	70
-	HB 2257	JUSTICE COURTS; JURISDICTIONAL LIMIT	70
-	HB 2283	PERSONS WITH DEVELOPMENTAL DISABILITIES; GUARDIANSHIPS	71
-	HB 2284	MENTAL HEALTH SERVICES; CONFIDENTIAL INFORMATION	71
-	HB 2303	CONCILIATION COURT; LIFTING OF STAY	71
-	HB 2310	SENTENCING; AGGRAVATING CIRCUMSTANCES; MISDEMEANORS	72
-	HB 2320	JP COURTS; PRODUCTIVITY CREDITS; COMPENSATION	72
-	HB 2327	PROSTITUTION; SENTENCING	72
-	HB 2342	ADMINISTRATIVE LAW JUDGES; CONFIDENTIAL INFORMATION	72
-	HB 2396	CLEAN ELECTIONS; JUDICIAL OFFICES	73
-	HB 2403	JUDGES; AUTOMATIC INCREASE ELIMINATED	73
-	HB 2405	PROBATION; COUNTIES; OFFICERS; FUNDING	73
-	HB 2408	CLASS 6 FELONIES; RECLASSIFICATION	73
-	HB 2411	EORP; MEMBERSHIP	74
-	HB 2440	STATE LOTTERY; DISTRIBUTIONS	74
-	HB 2457	EORP; SURVIVING SPOUSE PENSIONS	74
-	HB 2458	EORP; CONTRIBUTIONS; BUYBACKS	75
-	HB 2480	STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION	75
-	HB 2561	RACING ON HIGHWAYS; VEHICLE IMPOUNDMENT	75
-	HB 2564	DRUG TESTING; TAINTED URINE SAMPLES	75
-	HCR2005	JUSTICE COURTS; JURISDICTIONAL LIMITS	76
-	HCR2013	ELECTION; PRESIDING SUPERIOR COURT JUDGES	76
-	HCR2014	SUPREME COURT JURISDICTION	76
-	HCR2026	SUPREME COURT; ADMINISTRATIVE SUPERVISION	76
-	HCR2031	SEPARATION OF POWERS; JUDICIAL LAWMAKING	77
-	HCR2035	JUDICIAL CONDUCT; OPEN RECORDS; PROCEEDINGS	77
-	HCR2040	JUDGES; MERIT SELECTION; POPULATION	77
-	HCR2056	JUSTICES AND JUDGES; GOVERNOR APPOINTMENT	78
-	HCR2057	COURT APPOINTMENTS; COMMISSIONS; MEMBERS	78

-	SB 1003	PERSONS EXCUSED FROM JURY SERVICE	78
-	SB 1004	JURIES; PERSONS EXCUSED FROM SERVICE	79
-	SB 1015	JURIES; PERSONS EXCUSED FROM SERVICE	79
-	SB 1046	ORDERS OF PROTECTION; SERVICE	79
-	SB 1215	JUSTICE OF THE PEACE; DUTIES	79
-	SB 1216	PRESIDING JP; DUTIES	80
-	SCR1025	COURT JUDGMENTS; LEGISLATIVE APPROVAL	80
-	SCR1032	SUPERIOR COURT JUDGES; SUPERVISORIAL DISTRICTS	80
-	SCR1038	JUSTICE AND JUDGES; SENATE CONFIRMATION	81

Vetoed Bills

-	HB 2030	PUBLIC PROGRAMS; CITIZENSHIP	83
-	HB 2226	FEDERAL FUNDS; REPORTING	83
-	HB 2404	CAPITOL POLICE; TRANSFER	83
-	HB 2505	ELECTED OFFICIALS; OFFICEHOLDER EXPENSES; ACCOUNTS	84
-	HB 2709	PRIVATE PRISONS; MEXICO FACILITY	84
-	HB 2718	ENGLISH LANGUAGE LEARNERS	85
-	HB 2770	GENERAL REVENUES; BUDGET	85
-	HB 2782	FULL-DAY KINDERGARTEN; EXPANSION	86
-	SB 1145	MARRIAGE DISSOLUTION; MISCONDUCT	86
-	SB 1167	ENGLISH AS OFFICIAL LANGUAGE	87
-	SB 1186	VOTER REGISTRATION INFORMATION; PRIVACY; CITIZENSHIP	87
-	SB 1188	AGENCY BUDGETS; RESPONSIBILITIES	88
-	SB 1306	LOCAL ENFORCEMENT; FEDERAL IMMIGRATION LAWS	88
-	SB 1339	CIVIL RIGHTS; IDENTITY DISCLOSURE PROHIBITED	88
-	SB 1363	BAR LICENSES; FIREARMS; POSTED NOTICES	89
-	SB 1397	BUDGET RECONCILIATION; CRIMINAL JUSTICE	89
-	SB 1408	GENERAL APPROPRIATIONS; 2005-2006	89
-	SB 1427	CLEAN ELECTIONS; RULES; REPORT	89
-	SB 1511	SECURE AND VERIFIABLE IDENTIFICATION	90
-	SB 1527	TUITION ORGANIZATIONS; TAX CREDIT; BUDGET	90



Administration and General

<p>Ch. 7 HB 2569 Title 44</p>	<p style="text-align: center;">SAFETY PRODUCTS; UNLAWFUL PRACTICES Rep. Robson, et al</p> <p>It is an unlawful practice for any person to sell or offer to sell any product specifically designed for the safety of law enforcement, firefighting or emergency medical services personnel unless the product is tested by an independent laboratory or regulatory agency. This law excludes firearms.</p> <p>Statutes Affected: 44-1224</p>
<p>Ch. 15 HB 2206 Title 36</p>	<p style="text-align: center;">HEALTHCARE FACILITIES; PRISONERS Rep. Konopnicki, et al</p> <p>Exempts the patient-per-room capacity of medical and health related facilities from DHS regulations if the institution provides medical and health services exclusively to persons incarcerated, detained or confined under court order or court jurisdiction. The facility must also meet certain provisions that are outlined in the bill, such as receiving accreditation and adopting procedures and policies to comply with the National Commission on Correctional Healthcare standards.</p> <p>Emergency clause; effective date of April 1, 2005</p> <p>Statutes Affected: 36-402</p>
<p>Ch. 46 SB 1048 Title 36</p>	<p style="text-align: center;">BIRTH CERTIFICATES; ACCESS Sen. Johnson, et al</p> <p>The Department of Health Services is required to provide copies of birth certificates to the Arizona State Library, Archives, and Public Records 75 years after a person's birth, rather than 75 years after a person's death.</p> <p>Statutes Affected: 36-351</p>

<p>Ch. 82 SB 1017 Title 38</p>	<p style="text-align: center;">PAYROLL DEDUCTION AGREEMENTS; GROUP BENEFITS Sen. Waring</p> <p>A state employee payroll deduction is now authorized for premiums on any state sponsored group benefit including long-term care insurance, critical care insurance, and prepaid legal services. Personal computer systems are also added to the list of permitted payroll deductions.</p> <p>Statutes Affected: 38-612</p>
<p>Ch. 109 SB 1354 Title 11</p>	<p style="text-align: center;">UNIFORM REAL PROPERTY; ELECTRONIC RECORDING Sen. Hellon, et al</p> <p>Establishes the Electronic Recording Commission and gives it the authority to adopt standards and make recommendations to the legislature in order to carry out the Act. Electronic documents are valid and satisfactory legal documents. Provides for the validity of electronic signatures. The Act also gives direction to the County Recorder relating to electronic documents.</p> <p>“Electronic documents” and “electronic signature” are defined.</p> <p>Delayed effective date; effective January 1, 2006.</p> <p>Statutes Affected: 11-487; 33-487.01; 33-487.02; 11-487.03; 11-487.04; 11-487.05; 11-487.06</p>

<p>Ch. 124 HB 2150 Title 41</p>	<p style="text-align: center;">ELECTRONIC NOTARIES Rep. Gray</p> <p>The list of required duties of electronic notaries is expanded to include keeping the manual approved by the Secretary of State as a reference and responding to inquiries from the Secretary of State or Attorney General. An electronic notary must notify the Secretary of State within 30 days should the notary have a change of name.</p> <p>The list of actions that constitute grounds for disciplinary action is expanded to include notarizing a document that does not contain a notarial certificate. If the commission of an electronic notary is revoked, the Secretary of State is authorized to refuse to appoint the person as an electronic notary for up to 4 years. Any person has standing to make a complaint to the Secretary of State regarding an electronic notary.</p> <p>Statutes Affected: 41-353; 41-355; 41-364; 41-365; 41-368; 41-370</p>
<p>Ch. 206 SB 1353 Titles 12 & 36</p>	<p style="text-align: center;">MEDICAL RECORDS AND PAYMENT RECORDS Sen. Hellon, et al</p> <p>Additional clarifying language to comply with HIPAA. Clarifies that payment records are confidential, adding records of mental health patients identified by the parties in Title 14 proceedings. Outlines when health care providers may refuse to release or provide copies of medical records. Identifies circumstances when records may be released. Outlines procedures for when a health care entity is subpoenaed for records. Reinstates the provision that legal representatives of the patient may have access to the records.</p> <p>Statutes Affected: 12-2292; 12-2293; 12-2294; 12-2294.01; 12-2295; 12-2296; 12-2802; 36-507; 36-509; 36-517.01; 36-664; 36-3602</p>

RETIREMENT; CONTRIBUTION LIMITS; SERVICE PURCHASES
Sen. Martin

The minimum amount that employers or members of three state retirement plans must contribute toward their employees' retirement is increased to no less than 5% beginning in fiscal year 2007. This is a 3% increase for EORP and PSPRS employers and a 1% increase for CORP employers.

Ch. 208
SB 1366
Title 38

Permits active members of EORP to redeem any part of prior employment with the United States government, a state or a political subdivision of a state by paying into the fund the required amounts to equal the actuarial present value of service purchased.

Excess earnings above normal cost and liabilities are to be used to reduce future employer contribution rate increases. Extra earnings may not be used for member benefit increases.

Emergency clause; effective April 25, 2005

Statutes Affected: 38-810; 38-816; 38-843; 38-891

PROFESSIONAL EMPLOYER ORGANIZATIONS
Sen. Leff

Requires the registration of professional employer organizations (PEO) with the Secretary of State and outlines requirements for professional employer agreements. Businesses contract with a PEO to outsource personnel management, workers compensation, payroll tax and other human resources related areas.

Lists the requirements for a professional employer agreement and the elements that a professional employer agreement cannot contain. Sets forth a multitude of requirements for the PEO and the client. Requires every PEO to register with the Secretary of State effective March 1, 2006 with duties of the PEO and the Secretary of State outlined in the bill.

It is a Class 1 Misdemeanor for a person to offer to provide or actually provide professional employer services or use the name professional employer organization, staff leasing, employee leasing or administrative employee or any other title representing a professional employer service without first registering with the Secretary of State pursuant to §23-563 or to knowingly provides false or fraudulent information to the Secretary of State.

It is a theft pursuant to §13-802 for a person who is a controlling person of a professional employer organization and who collects payments from a client representing wages, taxes, benefit payments or insurance payments to fail to remit the funds to the appropriate government or private entity within a reasonable time.

It is a Class 4 Felony for a person who is a controlling person of a client of a professional employer organization to fraudulently or falsely procure or attempt to procure services or benefits from a registered professional employer organization without having monies that are adequate to compensate the professional employer organization.

Also enacts provisions requiring the Secretary of State to assess administrative penalties for various violations.

Includes a number of definitions peculiar to the article.

Statutes Affected: 23-614

Ch. 212
SB 1472
Title 23

<p>Ch. 275 HB 2426 Title 41</p>	<p style="text-align: center;">CONSTITUTIONAL COMMEMORATION COMMITTEE; CONTINUATION Sen. Anderson, et al</p> <p>Expands the charge of the Committee to include the promoting of public understanding of the additional amendments made to the Constitution, including those that made advancements in civil rights and personal liberties.</p> <p>Transfers operational support of the Committee from Legislative Council to legislative staff.</p> <p>Continues the committee, retroactive to July 1, 2005. Repeals the Committee on January 1, 2016.</p> <p>Statutes Affected: 41-618; 41-3005.02; 41-3015.01</p>
<p>Ch. 297 HB 2621 Title 38</p>	<p style="text-align: center;">RETIREE HEALTH INSURANCE; RURAL SUBSIDY Rep. Konopnicki, et al</p> <p>Continues the premium benefit supplement for Medicare eligible retired members of ASRS, CORP, PSPRS, and EORP to June 30, 2007.</p> <p>Emergency clause, effective May 20, 2005</p> <p>Statutes Affected: 38-783; 38-817; 38-906; 38-857</p>



Civil

<p>Ch. 14 HB 2182 Title 12</p>	<p style="text-align: center;">NONCONSENSUAL LIENS; NOTICE; RELEASE Rep. Reagan</p> <p>A Notice of Pendency of Action (Notice) effecting title of real property may be withdrawn or released, or if an order expunging that notice is issued, the order may be recorded with the County Recorder. If any of these actions occur, the notice, or any information derived from the notice does not constitute actual or constructive notice of matters contained in the notice and the notice does not create a duty of inquiry in a person dealing with the property. A person who is not a fictitious party to the action shall not be deemed to have actual knowledge or notice of the action if that person becomes the owner of any interest in the property and the method of conveyance is recorded after the withdrawal or release, or before recordation of the order expunging the notice.</p> <p>Statutes Affected: 12-1191; 33-421</p>
<p>Ch. 23 SB 1006 Title 12</p>	<p style="text-align: center;">EMINENT DOMAIN; ATTORNEY FEES; CLARIFICATION Sen. Tibshraeny, Sen. Jarrett</p> <p>When land is condemned for public use, the statute mandates that interests, estates, and rights be taken in fee simple. Leasehold interests in a building may be taken only if underlying property is taken in fee title or easement. If the plaintiff dismisses the action because of settlement, the parties shall be responsible for their own costs.</p> <p>Statutes Affected: 12-1113; 12-1129</p>
<p>Ch. 37 SB 1138 Title 9</p>	<p style="text-align: center;">LOCAL EMERGENCY ASSISTANCE; MEDICAL TECHNICIANS Sen. Allen, et al</p> <p>Certified emergency medical technicians are added to the list of persons who are exempt from civil liability or other damages arising from acts or omissions when rendering emergency medical aid.</p> <p>Statutes Affected: 9-500.02</p>

<p>Ch. 101 SB 1251 Titles 12, 36 & 46</p>	<p style="text-align: center;">ELDER PROVIDER LIABILITY REFORM Sen. Allen, et al</p> <p>A civil action for damages may be brought against a person or enterprise if the life or health of a vulnerable adult has been endangered or injured by neglect, abuse or exploitation.</p> <p>Clarifies the law in that the court shall use common law principles when finding punitive damages. Attorney’s fees cannot exceed two times the compensatory damages, unless requested and reviewed by the court.</p> <p>If a case is settled or a judgment issued in an elder abuse case brought against a nursing care institution or nursing administrator, the plaintiff shall notify the Department of Health Services (DHS), and DHS may initiate an investigation.</p> <p>Statutes Affected: 12-570; 46-455; 36-433</p>
<p>Ch. 114 SB 1447 Title 44</p>	<p style="text-align: center;">MISREPRESENTATION; ON-LINE BUSINESSES; IDENTIFYING INFORMATION Sen. Martin, Rep. Paton</p> <p>It is a Class 5 Felony for any person to use a web page or electronic mail message to request or take any action to induce another person to provide identifying information by representing that the person is an on-line business without permission from that on-line business.</p> <p>The Attorney General or the person or business adversely affected may bring action against a person who violates this law. The bill sets forth the damages that can be recovered, the greater of actual damages or \$500,000. However, if the court determines that the violator has engaged in a pattern and practice of violations, the court may increase the damage award up to three times the amount outlined.</p> <p>Statutes Affected: 44-7201; 44-7202; 44-7203;</p>

<p>Ch. 118 HB 2070 Title 36</p>	<p style="text-align: center;">SEXUALLY VIOLENT PERSONS; NOTICE; REFERRAL Rep. Nelson</p> <p>The Department of Corrections and the Arizona State Hospital are required to refer in writing a person under their jurisdiction to the County Attorney at least 30 days before the person’s anticipated release if the person is either convicted of a sexually violent offense, found guilty except insane of committing a sexually violent offense or charged with a sexually violent offense and found incompetent to stand trial. The County Attorney will then determine if the person may be a Sexually Violent Person. Any other agency must refer if it determines the person might be a Sexually Violent Person.</p> <p>Statutes Affected: 36-3702</p>
<p>Ch. 127 HB 2191 Title 14</p>	<p style="text-align: center;">NONPROBATE TRANSFERS; SECURITIES; ACCOUNTS Rep. Carpenter</p> <p>Provides, upon the death of an account owner, the authority for the nonprobate transfer of investment management accounts and custody accounts. Investment management accounts are accounts managed by banks or other institutions with discretionary powers over the account. Custody accounts are managed by a custodian for the benefits of the owners of the accounts.</p> <p>Statutes Affected: 14-6301</p>
<p>Ch. 131 HB 2252 Title 42</p>	<p style="text-align: center;">PROPERTY TAX ADMINISTRATION Rep. Huffman, Sen. Martin</p> <p>The failure of a purchaser of a tax lien to provide timely notice of an action to foreclose redemption of liens prior to filing an action to foreclose the right to redeem will be considered substantial failure to comply with the notice requirements. The court shall not allow the action to go forward until such notice is provided.</p> <p>If a judicial proceeding prohibits bringing an action to foreclose, the time for expiration of the certificate of purchase shall be extended by 12 months following completion of judicial proceeding.</p> <p>Statutes Affected: 42-16252, 42-16254 42-17153, 42-18005; 42-18051, 42-18202 42-18208</p>

<p>Ch. 134 HB 2267 Title 15</p>	<p style="text-align: center;">SCHOOL TEACHERS; IMMUNITY Rep. Mason</p> <p>Full time, certified teachers are exempt from personal civil liability for acts taken in good faith in evaluating or grading students.</p> <p>Statutes Affected: 15-516</p>
<p>Ch. 136 HB 2414 Title 44</p>	<p style="text-align: center;">COMPUTER SPYWARE Rep. Paton, et al</p> <p>Makes it unlawful (civil) for a person to transmit computer software to a computer it does not own or operate in order to modify, through intentionally deceptive means, computer software or settings or to collect personally identifiable information of the computer owner or operator. Provisions do not apply to monitoring of a subscriber's internet service by a telecommunications carrier, cable operator, computer hardware or software provider or a provider of information service, technical support, maintenance, repair and authorized updates of software or system firmware.</p> <p>The Attorney General's Office has investigative and prosecutorial jurisdiction.</p> <p>Statutes Affected: 44-8101; 44-8102; 44-8103; 44-8104;</p>

<p>Ch. 137 HB 2428 Title 12</p>	<p style="text-align: center;">EMANCIPATION OF MINORS Rep. Anderson, et al</p> <p>Establishes court proceedings and criteria for a minor, who is at least 16 years of age, to become emancipated from the minor's parents. Emancipated minors have certain rights as adults, including the ability to sue and be sued, buy and sell property, incur debts, access records, obtain certain licenses, etc.</p> <p>Creates the Emancipation Administrative Costs Fund, financed by the filing fee for emancipation, and administered by the County Treasurer to cover the costs associated with emancipation.</p> <p>From October 1, 2005 through September 30, 2007, the AOC is required to collect information relating to emancipation and file a report to be included in its annual report.</p> <p>Statutes Affected: 12-284; 12-284.03; 12-2451; 12-2452; 12-2453; 12-2454; 12-2455; 12-2456; 28-3165; 28-3166</p>
<p>Ch. 141 HB 2528 Title 12</p>	<p style="text-align: center;">CIVIL ACTIONS; CRIMINAL CONDUCT Rep. Nichols, et al</p> <p>Creates a one year statute of limitations from the final disposition of criminal proceedings, for a civil action filed by the victim for criminal conduct by the defendant against that victim, whether or not the defendant was convicted of the conduct, and regardless of when that conduct occurred. The bill does not shorten any now existing statute of limitations.</p> <p>Statutes Affected: 12-511</p>

BANKRUPTCY; EXEMPTIONS; LIFE INSURANCE
Rep. Reagan, et al

In any court proceeding, certain life insurance beneficiaries are protected from creditors, attachment, or garnishment, in addition to bankruptcy creditors if the beneficiary is the insured's surviving spouse, child, parent, brother, sister or other dependent family member.

Certain annuity contracts owned by a debtor with a named beneficiary being the debtor's surviving spouse, child, parent, brother, sister or other dependent family member are exempt from execution, attachment or sale on any process issued from any court.

There are exceptions to both provisions.

Emergency clause; effective April 20, 2005

Statutes Affected: 12-1578; 20-1131; 20-1131.01; 33-1126

Ch. 165
HB 2633
Titles 12,
20 & 33

FINGERPRINTING; UNIVERSITY SECURITY PERSONNEL
Sen. Bee

Requires universities to submit a full set of fingerprints in order to obtain criminal background checks for finalists in security or safety-sensitive positions. Restricts the universities' use of the information to evaluation of employment only, and allows the information to be shared with the other universities. A university relying on information in making employment decisions obtained as a result of the fingerprinting is immune from civil liability unless the information obtained is false and the university knows it is false or the university acts with reckless disregard of the information's truth or falsity.

Statutes Affected: 15-1649

Ch. 177
SB 1444
Title 15

<p>Ch. 178 HB 2093 Title 23</p>	<p style="text-align: center;">UNEMPLOYMENT SECURITY; CONTRIBUTIONS; TRANSFERS Rep. Konopnicki</p> <p>Establishes restrictions, pursuant to rule adopted by DES, for transfer of unemployment tax contributions when one business is acquired by another. Sets up civil penalties for employers or individuals who knowingly violate the provision.</p> <p>Statutes Affected: 23-730; 23-731; 23-733.01</p>
<p>Ch. 183 SB 1036 Title 12</p>	<p style="text-align: center;">MEDICAL MALPRACTICE PROCEDURAL FORMS Sen. Allen, et al</p> <p>Establishes criteria for expert testimony in medical malpractice actions, including that an expert must be a licensed health care professional with the same level of training or same type of specialist as the defendant. In addition, the expert must practice or teach in the same area of medicine as the other expert during the year immediately preceding the occurrence giving rise to the lawsuit.</p> <p>Any statements or conduct by a health care provider or the provider's employee expressing an apology, responsibility, sympathy, compassion or commiseration is inadmissible as evidence of an admission of liability or as evidence of an admission against interest.</p> <p>Statutes Affected: 12-2604; 12-2605</p>
<p>Ch. 192 SB 1122 Title 15</p>	<p style="text-align: center;">SCHOOLS; MEDICATIONS; CIVIL IMMUNITY Sen. Allen, et al</p> <p>Grants immunity from civil liability to school districts, charter schools and the employees of school districts and charter schools for the consequences of the good faith adoption and implementation of policies and procedures in regards to the administration of prescription medication or patent or proprietary medication.</p> <p>Statutes Affected: 15-344</p>

<p>Ch. 195 SB 1148 Title 14</p>	<p style="text-align: center;">PROPERTY INTERESTS; DISCLAIMERS; UNIFORM ACT Sen. Huppenthal, Sen. Martin</p> <p>Enacts the federal Uniform Disclaimer of Property Interests Act as adopted by the National Conference of Commissioners on Uniform State Laws. A disclaimer is a declaration by the person with a property interest who refuses to accept that interest in or power over the property. Provisions outline the authority to make disclaimers, what interests may be disclaimed, the time when disclaimers are effective, rules of disclaimers, and the effect on the distribution of the disclaimed property interests.</p> <p>Statutes Affected: 14-2801; 14-10001; 14-10002; 14-10003; 14-10004; 14-10005; 14-10006; 14-10007; 14-10008; 14-10009; 14-10010; 14-10011; 14-10012; 14-10013; 14-10014; 14-10015; 14-10016; 14-10017; 14-10018</p>
<p>Ch. 197 SB 1207 Title 15</p>	<p style="text-align: center;">COMMUNITY COLLEGES; ELECTIONS; POLITICAL INFLUENCE Sen. Gray</p> <p>Prohibits a person acting on behalf of a community college or university from using college and university personnel, equipment, materials, buildings, or resources to influence the outcome of elections, except for information on bond elections. The Attorney General's Office shall distribute guidelines to comply with this section. Colleges or universities may request legal opinions regarding compliance. The Attorney General or County Attorney may collect civil penalties from those who violate this section.</p> <p>Statutes Affected: 15-1408; 15-1633</p>
<p>Ch. 230 HB 2470 Title 44</p>	<p style="text-align: center;">SOCIAL SECURITY NUMBERS; CIVIL PENALTY Rep. McClure</p> <p>Enacts a civil penalty of \$100 for knowingly or intentionally violating the social security number confidentiality restrictions with the penalties to be deposited in the state General Fund.</p> <p>Statutes Affected: 44-1373.03</p>

<p>Ch. 233 HB 2599 Title 26</p>	<p style="text-align: center;">EMERGENCY WORKERS; LIABILITY Rep. Aguirre, et al</p> <p>Departments, agencies, political subdivisions, etc. are not liable for discretionary actions of emergency workers, with exceptions. Emergency workers performing duties per order, rule or statute enjoy the immunities and benefits when performing emergency functions.</p> <p>State departments, agencies, political subdivision, etc. that supervise emergency workers shall provide liability coverage including legal defense, when circumstances are appropriate.</p> <p>“Emergency workers,” a newly defined term, include temporary or permanent, paid or volunteer workers that engage in emergency management functions or perform emergency functions such as officers, agents or employees of the state or political subdivision called upon to perform emergency functions.</p> <p>The Division of Emergency Management must adopt rules prescribing procedures for registration of emergency workers.</p> <p>Statutes Affected: 26-301; 26-303; 26-314</p>
<p>Ch. 239 HB 2679 Title 44</p>	<p style="text-align: center;">TATTOO PARLORS; WASTE DISPOSAL Rep. Paton, et al</p> <p>Tattoo needles and any waste exposed to human blood while creating the tattoo shall be disposed as a biohazard, pursuant to Title 49. Those who violate this provision are liable for civil penalties up to \$500 per violation.</p> <p>Statutes Affected: 44-1342</p>

<p>Ch. 279 SB 1309 Title 15</p>	<p style="text-align: center;">SCHOOL PUPILS; ASTHMA; SELF-MEDICATION Sen. Waring, Sen. Allen</p> <p>Allows a pupil, who is properly entitled and authorized to possess medication, to self-administer the medication. The school board shall adopt policies and procedures governing this section. A school district and its employees are immune from civil liability for decisions based on good faith implementation of the policies and procedures, except wanton or willful neglect.</p> <p>Statutes Affected: 15-341</p>
<p>Ch. 291 HB 2242 Title 36</p>	<p style="text-align: center;">MENTAL HEALTH SERVICES; LEGAL REPRESENTATIVES Rep. Hershberger, et al</p> <p>Provides for annual review and evaluation of patients diagnosed as persistently and acutely disabled. Current law provides annual review for gravely disabled persons, only. Review and evaluation may lead to renewal of court ordered treatment. Review is restricted to those patients who have been substantially noncompliant with their treatment.</p> <p>Statutes Affected: 36-538; 36-543</p>
<p>Ch. 315 SB 1299 Title 44</p>	<p style="text-align: center;">GIFT CARDS; DISCLOSURE; FEES; EXPIRATION Senator Leff, et al</p> <p>Mandates disclosure of an expiration date and any fees that may be incurred on a gift card, gift certificate, electronic or paper, paid for to provide future goods or services. The disclosure must be clear and conspicuous prior to purchase by the consumer. A violation of this provision results in civil penalty not to exceed \$500.</p> <p>Statutes Affected: 44-7201; 44-7202</p>

Ch. 326
SB 1436
Title 33

MOBILE HOME PARKS; LANDLORD; TENANT
Senator Johnson, et al

Mandates managers of mobile home parks to complete and display proof of educational requirements. Those who do not comply may be subject to a \$500 civil penalty, with an additional penalty of \$500 per month of noncompliance, thereafter.

The Attorney General is conferred the power of enforcement and collection of penalties, with a 10% surcharge on the total amount. Penalties may be forgiven with proof of compliance.

Statutes Affected: 33-1437; 33-1452; 33-1454; 33-1476.01; 33-1476.02; 33-1476.04



Court Administration

<p>Ch. 74 HB 2305 Title 21</p>	<p style="text-align: center;">JURIES; EXCUSE FROM SERVICE Rep. Nelson</p> <p>Clarifies criteria for a person to be excused from jury service. Permits a judge or jury commissioner to excuse a person from jury service for various reasons, including good cause and undue or extreme physical or financial hardship as defined in statute.</p> <p>Excuses based on the mental or physical condition of the prospective juror are at the discretion of the court or jury commission, but such excuses must be based on explanation by a physician or professional caregiver containing information required by statute. A form setting forth the requirements must be made available at courthouses, the Arizona Medical Board web site and other appropriate locations. Statements submitted by the physician or caregiver are not public records.</p> <p>Prospective jurors, 75 years or older may opt out, permanently or temporarily, from service.</p> <p>Emergency clause; effective April 13, 2005</p> <p>Statutes Affected: 21-202</p>
<p>Ch. 103 SB 1272 Title 12</p>	<p style="text-align: center;">COURT RECORDS; PRESERVATION Sen. Johnson</p> <p>Requires the Clerk of the Superior Court to submit records designated for destruction to the Arizona State Library Archives and Public Records for preservations.</p> <p>Statutes Affected: 12-282; 41-1339</p>

<p>Ch. 107 SB 1311 Title 32</p>	<p style="text-align: center;">CERTIFIED REPORTERS; VERBATIM RECORDS Sen. Waring</p> <p>Includes voice writers within the regulatory framework now in effect for court reporters. References to “court reporter” are changed to “certified reporter” and the work product is now called a “verbatim record” or a proceeding. For regulatory purposes the profession of certified reporter includes “voice writing” which is defined as making a verbatim record by repeating the words of a speaker into a device that either transcribes or creates a recording. Voice writers do not have to be permanently certified until January 1, 2007.</p> <p>Statutes Affected: 32-4001; 32-4002; 32-4003; 32-4004, 32-4005, 32-4006; 32-4007; 32-4021; 32-4022; 32-4025; 32-4041; 32-4042</p>
<p>Ch. 112 SB 1418 Title 38</p>	<p style="text-align: center;">LAW ENFORCEMENT OFFICERS; DUE PROCESS Sen. Huppenthal, Sen. Brotherton</p> <p>The right of a law enforcement officer to have representation at an interview that may result in dismissal cannot be limited by the employer through threats of disciplinary retaliation.</p> <p>The bill contains some changes regarding the timeline for the exchange of documents and witness lists relating to the appeal of discipline.</p> <p>If the employer amends, modifies, rejects or reverses the decision of a hearing officer, administrative law judge or board, the employer shall state the employer's reasons for the amendment, modification, rejection or reversal.</p> <p>By virtue of Chapter 203, this bill, with the exception of the provision on retaliation also applies to probation and surveillance officers.</p> <p>Statutes Affected: 38-1101</p>

<p>Ch. 117 HB 2069 Title 12</p>	<p style="text-align: center;">SUPERIOR COURT CLERKS SALARY Rep. Nelson</p> <p>Increases the salary of the Clerk of the Superior Court, effective January 2007. \$76,000 per year in counties with a population of 500,000 or greater, and \$63,000 per year in counties with a population of less than 500,000.</p> <p>Statutes Affected: 12-281</p>
<p>Ch. 142 HB 2676 Title 16</p>	<p style="text-align: center;">JUDGES' ELECTION; BALLOT ORDER Rep. Paton, Rep. McLain</p> <p>Changes the order of nonpartisan candidates on section two of the ballot, by placing elected judges at the top, followed by school district officials, Supreme Court justices, and Court of Appeals judges, then Superior Court judges subject to retention in Pima and Maricopa Counties.</p> <p>Statutes Affected: 16-502</p>
<p>Ch. 203 SB 1303 Titles 23 & 38</p>	<p style="text-align: center;">PROBATION OFFICERS; COMPENSATION; ASSOCIATIONS; DISCIPLINE Sen. Johnson</p> <p>Probation and surveillance officers are added to statutes governing overtime compensation for law enforcement personnel, right to form associations, and various rights related to disciplinary actions.</p> <p>Probation officers shall be compensated for each hour worked beyond 80 hours in a two-week work period by either receiving time and a half pay or time and a half compensatory time off.</p> <p>Statutes Affected: 23-392; 23-1411; 38-1101</p>

Ch. 296
HB 2620
Budget

FUNDING; DRUG COURT PROGRAMS
Rep. Konopnicki, et al

Appropriates \$1 million in FY 2006-2007 to the AOC to assist in establishing or expanding existing adult and juvenile drug court programs.



Criminal and Juvenile

HUMAN TRAFFICKING VIOLATIONS Sen. Jarrett, et al

Establishes numerous criminal offenses for human trafficking and human smuggling.

- It is a Class 4 Felony to knowingly obtain labor from a person by threatening or restraining the person or withholding the person's government records or personal property.
- It is a Class 2 Felony for a person to commit the offense of sex trafficking. Sex trafficking is defined as a person who knowingly recruits, entices, harbors, transports, provides or obtains by any means another person with the intent of causing the other person to engage in prostitution by force, fraud or coercion.
- Sex trafficking that is committed against a person who is under the age of 15 is a dangerous crime against children (§13-604.01). (The provision establishing the dangerous crime against children classification is defective and is remedied in Chapter 282).
- It is a Class 4 Felony to knowingly traffic a person with the intent or knowledge that the person will be subject to forced labor, or to knowingly benefit financially or receive anything of value through participation of unlawful labor or sex trafficking.
- It is a Class 5 Felony to engage in human smuggling for profit or commercial purposes.

The bill directs the court to provide for restitution to victims of sex trafficking and persons who were trafficked for the purposes of forced labor or services.

Statutes Affected: 13-604.01; 13-1306; 13-1307; 13-1308; 13-1309; 13-2319

CORPORATIONS; LLCs; VIOLATIONS; CLASSIFICATION
Rep Robson

Ch. 13
HB 2161
Title 10 & 29

Establishes a new Class 4 Felony offense for limited liability companies (LLC), and increases the felony classification for corporations to a Class 4 Felony, if a person knowingly fails or refuses to respond in a timely manner to interrogatories propounded by the Corporation Commission, or signs any articles, statement, report, application or other document filed with the commission that is known to the person as false.

Also establishes the same Class 5 Felony for limited liability companies as exists for corporations, if a person, with the intent to defraud or deceive, knowingly falsifies, alters, steals, destroys, mutilates, defaces, removes or secretes the books, records or accounts.

Statutes Affected: 10-1632; 29-613

Ch. 20
HB 2522
Title 13

AGGRAVATING FACTORS; TRIER OF FACT
Rep. Farnsworth

Requires aggravating circumstances alleged for sentencing purposes to be determined by the trier of fact. An aggravated sentence of imprisonment may be imposed only if the trier of fact finds that the alleged aggravating circumstances are true. In the case of the exceptional aggravated term, requires the trier of fact to find that at least two aggravating factors apply, but removes the requirement to find substantial aggravating factors.

Requires aggravating circumstances to be found beyond a reasonable doubt by the trier of fact. If the trier of fact finds at least one aggravating circumstance, the court may find additional aggravating circumstances by a preponderance of the evidence.

Requires the court to impose an aggravated sentence if the trier of fact finds aggravating circumstances and the court does not find any mitigating circumstances. Removes the requirement to find at least two substantial mitigating factors, instead requiring the court to find at least two mitigating factors in order to permit the imposition of the exceptional mitigated term.

Changes the catch-all aggravating factor to state, "any other factor that the state alleges as relevant to the defendant's character or background or to the nature or circumstances of the crime."

Defines trier of fact as a jury, unless the defendant and the state waive a jury. If waived, the court is the trier of fact.

Statutes Affected: 13-702; 13-702.01

<p>Ch. 51 SB 1113 Title 13</p>	<p style="text-align: center;">SEARCH WARRANTS EXECUTION Sen. Huppenthal, et al</p> <p>Requires a search warrant to be executed within five calendar days of being issued and to be returned to the magistrate within three court business days of being executed. If the warrant is not executed within the five calendar days, the warrant will be void unless an extension has been granted by the magistrate. The magistrate can grant up to a five calendar day extension.</p> <p>Documents and records relating to the warrant need not be open to the public until they are returned or the warrant is deemed void. However, a magistrate may order the time to be shortened or lengthened for good cause.</p> <p>Statutes Affected: 13-3918</p>
<p>Ch. 54 SB 1214 Title 13</p>	<p style="text-align: center;">COMMERCIAL NUCLEAR GENERATING STATIONS; SECURITY Sen. Huppenthal, et al</p> <p>Expands the ability of an armed nuclear security guard to use physical force, including deadly force, in specific circumstances that are outlined in the chapter. Allows an armed nuclear security guard to detain a person suspected of committing or attempting to commit specific offenses at a commercial nuclear generating station.</p> <p>It is a Class 4 Felony to commit a criminal trespass on a commercial nuclear generating station. This crime is defined as entering or remaining unlawfully in or on a station or within a structure or fenced yard of a station.</p> <p>A guard is exempt from civil liability for engaging in conduct justified under this chapter. Reasonable belief is a defense to a civil or criminal action against a guard for false arrest, unlawful imprisonment or wrongful detention.</p> <p>Statutes Affected: 13-4901; 13-4902; 13-4903; 13-4904;</p>

<p>Ch. 69 HB 2166 Title 13</p>	<p style="text-align: center;">DEAD BODIES; ABANDONMENT; CONCEALMENT Rep. Mason, et al</p> <p>Establishes a crime classified as a Class 5 Felony to knowingly move a dead human body or body parts with the intent to abandon or conceal the body or body parts unless otherwise allowed by law.</p> <p>Statutes Affected: 13-2926</p>
<p>Ch. 83 SB 1031 Title 13</p>	<p style="text-align: center;">FALSE REPORTING Sen. Tibshraeny</p> <p>The classification of a second or subsequent conviction of false reporting is increased to a Class 6 Felony from a Class 1 Misdemeanor. A person convicted of false reporting is liable for the costs incurred by the emergency response or the investigation of the false reporting. The court is also permitted to order a juvenile adjudicated delinquent for false reporting to pay expenses incurred as a result of the false reporting as restitution.</p> <p>Statutes Affected: 13-2907</p>

VICTIMS' RIGHTS; RESTITUTION; NOTICE; FEE
Sen. Brotherton, et al

The 180-day limit on a juvenile court retaining jurisdiction of a case after a juvenile delinquent turns 18 is repealed. Instead, the court enters a "juvenile restitution order" (which replaces "judgment" in statute) in favor of the state for court costs and fees and in favor of any victims for any losses sustained. The restitution order does not expire until paid in full and is considered a criminal penalty for purposes of federal bankruptcy proceedings. The Clerk of the Court must send a copy of the restitution order to each person entitled to restitution.

Victims must be notified by the prosecutor that a predisposition or disposition proceeding may occur immediately after adjudication.

The fee assessed to the parent of a juvenile delinquent is increased to \$25 from \$15. This fee does not apply if the parent is the victim, and the authority to impose a lesser fee is extended to the court, as well as the probation officer.

Delayed effective date; effective Jan 1, 2006.

Statutes Affected: 8-344; 8-390; 8-418

Ch. 93
SB 1152
Title 8

JUVENILE VICTIMS' RIGHTS; STATEMENT
Sen. Brotherton, et al

A statement of victim's rights must be read by the court to the victim of a case in juvenile court. The statement must be read only if the crime committed is a delinquent act as defined in §8-381, applicability of the victim's rights provisions.

This provision is also included in the Victims' Rights Omnibus bill, Chapter 260, SB 1433; due to a one word difference the two versions will not be blended.

Delayed effective date; effective Jan 1, 2006.

Statutes Affected: 8-421

Ch. 102
SB 1267
Title 8

<p>Ch. 110 SB 1369 Title 13</p>	<p style="text-align: center;">IMPERSONATING A PEACE OFFICER Sen. Martin</p> <p>The crime of impersonating a peace officer during the commission of 26 enumerated crimes is increased from a Class 6 to a Class 4 Felony. The enumerated crimes include, but are not limited to, manslaughter, murder, theft, arson, kidnapping, sexual assault.</p> <p>Statutes Affected: 13-2411</p>
<p>Ch. 114 SB 1447 Title 44</p>	<p style="text-align: center;">MISREPRESENTATION; ON-LINE BUSINESSES; IDENTIFYING INFORMATION Sen. Martin, Rep. Paton</p> <p>It is a Class 5 Felony for any person to use a web page or electronic mail message to request or take any action to induce another person to provide identifying information by representing that the person is an on-line business without permission from that on-line business.</p> <p>The Attorney General or the person or business adversely affected may bring action against a person who violates this law. The bill sets forth the damages that can be recovered, the greater of actual damages or \$500,000. However, if the court determines that the violator has engaged in a pattern and practice of violations, the court may increase the damage award up to three times the amount outlined.</p> <p>Statutes Affected: 44-7201; 44-7202; 44-7203;</p>
<p>Ch. 133 HB 2259 Title 13</p>	<p style="text-align: center;">AGGRAVATING FACTORS; IMMIGRATION LAW VIOLATION Rep. Gray, et al</p> <p>Requires the court to consider, as an aggravating circumstance in non-capital cases, whether a defendant was in violation of federal immigration law at the time of the commission of the offense for which the defendant is convicted.</p> <p>Statutes Affected: 13-702</p>

<p>Ch. 145 SB 1144 Title 13</p>	<p style="text-align: center;">SERVICES TO INDIGENT DEFENDANTS; FEES Sen. Huppenthal, et al</p> <p>The court is required to appoint investigators and expert witnesses on behalf of an indigent defendant in all felony cases, rather than just the capital cases. Witnesses are to be paid at county contract rates, unless no county-contracted investigator or expert is available or the defendant cannot obtain the services at the county rate. In such a case, the judge decides the rate to be paid.</p> <p>Statutes Affected: 13-4013</p>
<p>Ch. 154 HB 2337 Title 13</p>	<p style="text-align: center;">VICTIM NOTIFICATION; DISMISSED COUNTS Rep. Smith, et al</p> <p>Statutorily enacted victims' rights are expanded to include those victims whose counts were dismissed in a plea agreement if the victim would otherwise be entitled to victim's rights.</p> <p>This provision is also included in the Victims' Rights Omnibus bill, Chapter 260, SB 1433. Due to an incorrect chapter reference the two versions will not be blended.</p> <p>Statutes Affected: 13-4402.01</p>
<p>Ch. 166 HB 2713 Title 13</p>	<p style="text-align: center;">SENTENCING; OFFENSES; REGISTRATION; STUN GUNS Rep. Jim Weiers, et al</p> <p>The use of a stun gun during the commission of a crime is added to the list of aggravating factors that can be considered during sentencing (§13-702).</p> <p>Taking or attempting to take a peace officer's weapon or other implement (object capable of or designed to restrain or injure and individual, but does not include handcuffs) is now considered an aggravated assault.</p> <p>It is illegal to sell a permitted remote stun gun without registering the purchaser with the gun's manufacturer.</p> <p>Statutes Affected: 13-702; 13-703; 13-1204; 13-3117</p>

<p>Ch. 167 SB 1044 Title 15</p>	<p style="text-align: center;">SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS Sen. Gray, et al</p> <p>Added discretionary powers of school governing board include adopting guidelines to standardize school report cards which contain crime reports; guidelines for parental notification when law enforcement interviews pupils, and when parents may be present, with reasonable exceptions.</p> <p>Statutes Affected: 15-342; 15-746</p>
<p>Ch. 175 SB 1376 Title 41</p>	<p style="text-align: center;">VICTIM COMPENSATION FUND; SUBROGATION Sen. Huppenthal, et al</p> <p>Allows the State of Arizona or a qualified program to be substituted to the rights of an individual who receives monies from the Victim Compensation and Assistance Fund to recover or receive monies or benefits from a third party, to the extent of the amount of money the individual receives from the Fund.</p> <p>Statutes Affected: 41-2407</p>
<p>Ch. 176 SB 1382 Title 13</p>	<p style="text-align: center;">SEX OFFENDERS; REGISTRATION Sen. Martin, et al</p> <p>A person entering and remaining in this state who is required to register as a sex offender in another state is now required to register in Arizona. The bill also makes technical changes to account for the 1978 criminal code rewrite that changed sex crime laws.</p> <p>Statutes Affected: 13-3821</p>

<p>Ch. 185 SB 1040 Titles 12, 13, 36, 41, & 46</p>	<p style="text-align: center;">SEXUAL ASSAULT; MARITAL STATUS REPEAL Sen. Blendu, Sen. Martin</p> <p>Repeals the statute, Sexual assault of a spouse (§13-1406.01), with the intent that marital status is no longer relevant when considering criminal sexual behavior.</p> <p>A person who intentionally or knowingly makes or coerces another to make a false report of sexual assault involving a spouse is guilty of a Class I Misdemeanor.</p> <p>Requires ACJC to maintain records submitted by DPS, collect data and provide reports. This provision is not retroactive.</p> <p>Statutes Affected: 12-511; 13-501; 13-1406.01; 13-1407; 13-1420; 13-1423; 13-2907.03; 13-3821; 36-3701; 41-2406; 46-292</p>
<p>Ch. 187 SB 1047 Titles 5, 8, 9, 11, 12, 13, 28, 31, 41 & 46</p>	<p style="text-align: center;">COMMUNITY RESTITUTION Sen. Johnson, et al</p> <p>Replaces the term “community service” with “community restitution” in the code. The administration or operation of existing community service organizations are not affected, and the bill allows continued use of forms using “community service” by the court, probation and prosecution after the effective date until they run out.</p> <p>Delayed effective date; effective January 1, 2006.</p> <p>Statutes Affected: 5-395.01; 5-397; 8-234; 8-321; 8-323; 8-341; 8-343; 8-352; 8-353; 8-355; 9-499.07; 11-459; 12-299.03; 12-1809; 13-901.01; 13-914; 13-3405; 13-3406; 13-3407; 13-3408; 13-3416; 13-3826; 28-672; 28-708; 28-1174; 28-1381; 28-1382; 28-1387; 28-8284; 28-8286; 28-8289; 31-411; 41-1604.07; 41-2822; 41-2825; 41-2826; 46-803</p>

<p>Ch. 188 SB 1052 Titles 13, 31 & 41</p>	<p style="text-align: center;">UNBORN CHILDREN; PROTECTION Sen. Jarrett, et al</p> <p>Homicides that result in the death of an unborn child are now being considered offenses that are separate from, and in addition to, the crime committed against the child’s mother. It does not need to be proven that the defendant knew the woman was pregnant. There are exceptions built into the law for a legal abortion, a medical treatment performed on a pregnant woman, or if the defendant was the mother of the unborn child. Includes “unborn child” in the dangerous crimes against children statute (§13-604.01) equating the unborn child to a child under twelve years old for sentencing purposes. “Unborn child” is also included in the dangerous offense statute (§13-604).</p> <p>Statutes Affected: 13-604; 13-604.01; 13-703; 13-1102; 13-1103; 13-1104; 13-1105; 13-4062; 31-412; 41-1604.11; 41-1604.13</p>
<p>Ch. 190 SB 1058 Title 13</p>	<p style="text-align: center;">IDENTITY THEFT Sen. Blendu, et al</p> <p>Establishes the crime of Trafficking in the identity of another person or entity, a Class 2 Felony, for a person who, without permission, for an unlawful purpose or to cause loss to the person or entity, knowingly sells, transfers or transmits personal identifying information whether or not the person or entity actually suffers an economic loss.</p> <p>Creates the crime of Aggravated identity theft, a Class 3 Felony, for a person to knowingly take, purchase, manufacture, record, possess or use person or entity identifying information of either:</p> <ul style="list-style-type: none"> • Five or more persons or entities, without permission, for any unlawful purpose or to cause a loss whether or not the person or entity actually suffers an economic loss. • A person or entity, without permission, for any unlawful purpose if the economic loss is three thousand dollars or more. <p>All identity theft statutes now carry an exception for alcohol violations under § 4-241 committed by a person under the age of 21.</p> <p>Section 13-2009, Admission tickets, fraudulent creation or possession is renumbered §13-2011 to accommodate the new identity theft sections.</p> <p>Statutes Affected: 13-2008; 13-2009; 13-2010; 13-2011</p>

PROFESSIONAL EMPLOYER ORGANIZATIONS
Sen. Leff

Requires the registration of professional employer organizations (PEO) with the Secretary of State and outlines requirements for professional employer agreements. Businesses contract with a PEO to outsource personnel management, workers compensation, payroll tax and other human resources related areas.

Lists the requirements for a professional employer agreement and the elements that a professional employer agreement cannot contain. Sets forth a multitude of requirements for the PEO and the client. Requires every PEO to register with the Secretary of State effective March 1, 2006 with duties of the PEO and the Secretary of State outlined in the bill.

It is a Class 1 Misdemeanor for a person to offer to provide or actually provide professional employer services or use the name professional employer organization, staff leasing, employee leasing or administrative employee or any other title representing a professional employer service without first registering with the Secretary of State pursuant to §23-563 or to knowingly provides false or fraudulent information to the Secretary of State.

It is a theft pursuant to §13-802 for a person who is a controlling person of a professional employer organization and who collects payments from a client representing wages, taxes, benefit payments or insurance payments to fail to remit the funds to the appropriate government or private entity within a reasonable time.

It is a Class 4 Felony for a person who is a controlling person of a client of a professional employer organization to fraudulently or falsely procure or attempt to procure services or benefits from a registered professional employer organization without having monies that are adequate to compensate the professional employer organization.

Also enacts provisions requiring the Secretary of State to assess administrative penalties for various violations.

Includes a number of definitions peculiar to the article.

Statutes Affected: 23-614

Ch. 212
SB 1472
Title 23

<p>Ch. 214 SB 1488 Title 13</p>	<p style="text-align: center;">PERSONS LAWFULLY DETAINED; IDENTIFICATION REQUIREMENT Sen. Jarrett, et al</p> <p>It is a Class 2 Misdemeanor for a person, after being advised that a refusal to answer is unlawful, to fail or refuse to state the person's true full name on request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed, is committing or is about to commit a crime. A person detained under this section is required to tell the officer the person's true full name, but is not required to answer any other inquiry of the peace officer.</p> <p>Statutes Affected: 13-2412</p>
<p>Ch. 225 HB 2325 Title 13</p>	<p style="text-align: center;">CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE Rep. Gray, et al</p> <p>A permit to carry a concealed weapon is now valid for 5 years instead of 4 years and is renewable every 5 years. The person must be fingerprinted for the original and first renewal. A member of the Armed Services who was on active duty and deployed overseas when the permit expired will have 90 days to renew the permit once their deployment is complete. The required firearms safety course is reduced from 16 to 8 hours and the refresher course is reduced from 4 hours to two.</p> <p>If a person charged with Failing to present a permit for inspection presents a permit valid at the time of violation to the court, the charge must be dismissed.</p> <p>Statutes Affected: 13-3112</p>

<p>Ch. 252 SB 1013 Title 13</p>	<p style="text-align: center;">RESTORATION OF COMPETENCY Sen. Jarrett, et al</p> <p>A defendant is responsible for all or a part of the costs of a competency examination ordered by the court unless the prosecution requests the evaluation. Requires the court to commit the defendant to the restoration of competency program designated by the County Board of Supervisors if the court determines that confinement is necessary for treatment. The court may commit the defendant to the State Hospital subject to funding for competency restoration services if the Board has not designated an RTC program. Allows the county to provide treatment to the defendant in the county jail or to obtain court orders to transport the defendant to other providers including the State Hospital for RTC treatment.</p> <p>Statutes Affected: 13-4505; 13-4512; 13-4512;</p>
<p>Ch. 257 SB 1318 Title 48</p>	<p style="text-align: center;">OMNIBUS; FLOOD CONTROL Sen. Flake, et al</p> <p>A person who engages in any development in a watercourse that affects the flow of waters without securing written authorization is guilty of a Class 2 Misdemeanor. Flood control districts are repealed from and after December 31, 2015.</p> <p>“Development” is defined.</p> <p>Statutes Affected: 48-2607; 48-2609; 48-2816; 48-3601; 48-3603; 48-3609; 48-3613; 48-3614; 48-3615; 48-2816</p>
<p>CH. 260 SB 1433 Titles 8, 13 & 31</p>	<p style="text-align: center;">VICTIMS' RIGHTS OMNIBUS Sen. Huppenthal, Sen. Martin</p> <p>A number of changes expanding the victim’ rights statutes including:</p> <ol style="list-style-type: none"> 1. On request of the victim, the probation department shall notify the victim of the following: <ul style="list-style-type: none"> • Notice of any probation violation hearing. • Any proposed modification to any term of probation if the modification affects the restitution or incarceration status or the delinquent’s contact with or the safety of the victim. • The victim's right to be heard at a hearing set to consider any

modification that is made to any term of probation.

- Any violation of any term of probation that results in a petition to revoke.
 - If the juvenile absconded from probation.
 - Any conduct by the juvenile that raises a substantial concern for the victim's safety.
2. The juvenile court shall provide the victim's request for post adjudication notice to the department of juvenile corrections.
 3. A statement of victim's rights is required to be read by the court to the victim in a juvenile court case. It is noted that not all misdemeanor charges carry victim's rights, however, the statement must be read in all cases.
 4. Prohibits petitioning the Board of Executive Clemency more than once every five years for offenses involving murder or serious physical injury if sentenced pursuant to §13-604, dangerous crimes against children and felony sex offenses. The board has discretion to apply the five year rule if the person committed an offense causing serious physical injury and was not sentenced pursuant to §13-604. The board may extend time further under certain circumstances as provided in the bill.
 5. Enforcement of a criminal restitution order by any person who is entitled to restitution or by the state includes the collection of interest that accrues pursuant to §44-1201 in the same manner as any civil judgment.
 6. Inclusion of the victim's attorney in all trial court bench conferences that directly affect a constitutional victim's right.
 7. Expansion of victim's rights to include victims whose counts are dismissed in a plea agreement if the victim is otherwise entitled to victim's rights.
 8. In a capital case a victim may file a response to a request for extension for time in an appellate or post-conviction relief proceeding. The victim or the state can file the response, notice of the filing must be made to the victim by the party requesting the extension and there is no right to oral argument. (Repealed January 1, 2008).

Delayed effective date; effective January 1, 2006

Statutes Affected: 8-382; 8-396; 8-416; 13-805; 13-4401; 13-4415; 13-4437; 13-4438; 8-383.01; 8-421; 13-4042; 13-4234.01; 13-4402.01; 31-403; 13-4042; 13-4234.01

SEX OFFENDER REGISTRATION; RESIDENCE; ADDRESS
Sen. Martin, et al

For the purpose of sex offense registration, defines “address” and “residence”.

Establishes a 20 year presumptive sentence for a person convicted of sex trafficking of a person under 15 years of age, if the person is sentenced as dangerous crimes against children (A.R.S. § 13-604.01). Chapter 2 established the crime of sex trafficking, adding sex trafficking to the definition of a dangerous crime against children if committed against a person under 15 years of age, but did not prescribe a specific penalty. Adds sex trafficking of a minor to the list of offenses that require a person to register as a sex offender.

Prohibits an adult probation officer from approving the residence of a felony sex offender on probation in Maricopa County in any multi-family dwelling unless the number of probationers who are required to register and who reside in the multi-family dwelling is less than 10% of the number of dwelling units. Prohibits more than one sex offender on probation who is classified as a level three offender from residing in a multi-family dwelling. Includes exemptions to the above clustering requirements

Defines “multifamily dwelling”, “multifamily dwelling unit” and “residential treatment facility”.

Repeals the sex offense clustering provisions on January 1, 2011.

Statutes Affected: 13-604.01; 13-922; 13-3821; 13-3822; 13-922

Ch. 282
SB 1338
Title 13

<p>Ch. 284 HB 2647 Title 4</p>	<p style="text-align: center;">LIQUOR; OMNIBUS Rep. McComish, et al</p> <p>Numerous changes, including expanded authority to the State Board of Liquor Licenses and Control, restrictions on drive-thru liquor sales, guidelines for sampling, and other changes.</p> <p>It is a Class 1 Misdemeanor for an employee of a licensee to allow a person under 21 access to restricted areas, to provide alcohol to a person under 21, and to knowingly provide alcohol to a person for resale. Each carries a minimum fine of \$500.</p> <p>It is a Class 2 Misdemeanor for a person to provide a machine or device that mixes alcohol with oxygen for inhalation. In addition, there are minimum \$250 fines for under-age drinkers who violate this A.R.S. § 4-241.</p> <p>Statutes Affected: 4-112; 4-203; 4-203.04; 4-205.02; 4-206.01; 4-207.01; 4-210; 4-213; 4-241; 4-243; 4-244; 4-244.05; 4-246</p>
<p>Ch. 308 SB 1166 Title 13</p>	<p style="text-align: center;">TERRORISM; ANIMAL; ECOLOGICAL Sen. Verschoor</p> <p>Changes the chapter heading of Title 13, chapter 23 to Organized Crime, Fraud and Terrorism from Organized Crime and Fraud. Expands the definition of racketeering in A.R.S. § 13-2301 to include animal or ecological terrorism that results in or is intended to result in serious physical injury or death, animal or ecological terrorism if committed for financial gain and smuggling if committed for financial gain.</p> <p>Defines “animal activity,” “animal or ecological terrorism” and “research facility.”</p> <p>Statutes Affected: 13-2301</p>

Ch. 320
SB 1384
Title 13

SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION
Sen. Martin, et al

Adds Failure to Register as a Sex Offender if the defendant is placed on probation and the underlying offense is a felony to the list of offenses for which the judge may impose lifetime probation.

Statutes Affected: 13-902; 13-3824

CAPITAL CASES; AGGRAVATING FACTORS; EXPERTS
Sen. Huppenthal

Specifically defines “victim” in the victim’s rights provisions of the juvenile and criminal code if the person against whom the crime is committed is killed or incapacitated. The victim includes a spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative, unless the person who would qualify as a victim is in custody for an offense or is the accused.

In capital cases, the list of aggravating circumstances used to determine whether to impose the death penalty is expanded to include:

- Commission of the offense in connection with a gang initiation.
- Commission of the offense to prevent a person from cooperating with law enforcement or being a witness.
- Offenses committed in a cold, calculated manner without pretense of moral or legal justification.

If the trier of fact in a capital case finds an aggravating factor but at the penalty phase finds a mitigating circumstance sufficient to warrant leniency, or the trier of fact does not impose death, the court must sentence the defendant to natural life.

In the sentencing phase, if the state bears the burden of proof, the issue shall be determined in the aggravation phase. If the defendant bears the burden of proof, the issue shall be determined in the penalty phase.

The report of a psychological expert shall be released on motion of any party if the defendant raises a mental health defense at trial or sentencing.

Adds Burglary second degree and Terrorism to the list of “serious offenses” for the purpose of determining aggravating circumstances in a first degree murder case pursuant to §13-703.

Statutes Affected: 8-382; 13-703; 13-703.03; 13-4401; 13-703.01

Ch. 325
SB 1429
Titles 8 & 13

PRECURSOR CHEMICALS; DANGEROUS DRUGS; BAIL
Sen. Leff, et al

A new crime is established, A.R.S. §13-3407.01, Manufacturing methamphetamine under circumstances that cause physical injury to a minor. The offense is a Class 2 Felony, the minor must be under 15 years of age and the offense is punishable as a dangerous crime against children.

Possession of methamphetamine for sale, possession of equipment or chemicals to manufacture methamphetamine, manufacturing methamphetamine and trafficking in methamphetamine (sale, import, offer to sell, etc.) carries its own sentencing provisions, A.R.S. §13-712. For the first offense, the range is 5-10-15 years, for second or subsequent offense the range is 10-15-20 years. The defendant is not eligible for probation.

In setting bail the court must consider if the person committed one of the above named offenses.

Products in which pseudoephedrine is the single active ingredient must be kept behind a store counter or in a locked facility inaccessible to customers without the assistance of an employee. This does not apply to liquid, liquid capsule or gel capsule form of the product. Places restrictions on purchasing pseudoephedrine, norpseudoephedrine, phenylpropanolamine and ephedrine.

Permits a county or city to remediate a property contaminated by methamphetamine if the owner does not. The cost is passed on to the owner in the form of a property lien.

Provides authority for DHS to accept and spend grant monies for methamphetamine education. The monies can only be disbursed to local prosecutorial or law enforcement agencies with existing programs, faith based organizations and non profit entities providing services to women with a history of dual diagnosis disorders that provide educational programs on the repercussions of methamphetamine use.

Statutes Affected: 13-604.01; 13-712; 13-3404.01; 13-3407; 13-3967

Ch. 327
SB 1473
Titles 13&36



Family Court

<p>Ch. 45 SB 1045 Title 25</p>	<p style="text-align: center;">CHILD CUSTODY; RECODIFICATION Sen. Johnson, et al</p> <p>Statutes relating to child custody and visitation are reorganized. No substantive changes to the law were enacted. This was the result of research and recommendations by the Domestic Relations Committee.</p> <p>Statutes Affected: 25-403; 25-411; 25-403.01; 25-403.02; 25-403.03; 25-403.04; 25-403.05; 25-403.06; 25-403.07; 25-403.08; 25-403.09; 25-408</p>
<p>Ch. 87 SB 1071 Title 41</p>	<p style="text-align: center;">DOMESTIC VIOLENCE FATALITY REVIEW TEAMS Sen. Waring</p> <p>Authorizes a political subdivision to establish a domestic violence fatality review team to examine incidents of domestic violence-related fatalities in order to understand better the dynamics of these fatalities. The review team reports its findings and recommendations as to how incidents of domestic violence related fatalities may be prevented and how the system can be improved to the Office of the Attorney General. The makeup of the review team is specified in the law and, among other members, specifies that one of the members must be a representative from a county or municipal court.</p> <p>Statutes Affected: 41-198</p>
<p>Ch. 108 SB 1314 Title 25</p>	<p style="text-align: center;">CHILD SUPPORT; PATERNITY REGISTRY Sen. Waring, et al</p> <p>Requires the DES to maintain the paternity registry. The registry shall include any voluntary acknowledgement obtained or received by a public or private entity, or orders of paternity or maternity transmitted by the Clerk of the Superior Court.</p> <p>Statutes Affected: 25-818</p>

<p>Ch. 130 HB 2249 Title 25</p>	<p style="text-align: center;">CHILD SUPPORT; DISABILITIES; PATERNITY Rep. Hershberger, et al</p> <p>Provides criteria for determining child support for a disabled child past the age of majority. Provides the court with authority to determine child support if the respondent admits or does not deny maternity or paternity in a written response. Eliminates oral answers and allows the court to enter maternity or paternity judgments if the respondent does not reply.</p> <p>Statutes Affected: 25-320; 25-802; 25-805, 25-806; 25-807; 25-808; 25-809; 25-810; 25-812; 25-813; 25-816; 25-817</p>
<p>Ch. 137 HB 2428 Title 12</p>	<p style="text-align: center;">EMANCIPATION OF MINORS Rep. Anderson, et al</p> <p>Establishes court proceedings and criteria for a minor, who is at least 16 years of age, to become emancipated from the minor's parents. Emancipated minors have certain rights as adults, including the ability to sue and be sued, buy and sell property, incur debts, access records, obtain certain licenses, etc.</p> <p>Creates the Emancipation Administrative Costs Fund, financed by the filing fee for emancipation, and administered by the County Treasurer to cover the costs associated with emancipation.</p> <p>From October 1, 2005 through September 30, 2007, the AOC is required to collect information relating to emancipation and file a report to be included in its annual report.</p> <p>Statutes Affected: 12-284; 12-284.03; 12-2451; 12-2452; 12-2453; 12-2454; 12-2455; 12-2456; 28-3165; 28-3166</p>

<p>Ch. 174 SB 1313 Title 46</p>	<p style="text-align: center;">SUPPORT PAYMENTS; ELECTRONIC TRANSFERS Sen. Waring, et al</p> <p>The Department of Economic Security is required to establish a mandatory process for transferring support payments electronically to an account designated by the person to whom the payments are owed. The person will have access to the account using an electronic access card issued by the department. Electronic transfer is mandatory unless hardship can be shown in writing. If electronic transfer is not feasible, DES may authorize payment by warrant.</p> <p>Emergency clause; effective April 22, 2005</p> <p>Statutes Affected: 46-445</p>
<p>Ch. 220 HB 2220 Title 8</p>	<p style="text-align: center;">KINSHIP FOSTER CARE Rep. Landrum Taylor, et al</p> <p>Establishes the Kinship Foster Care Program in DES to encourage relatives of the child to provide foster care. Relatives may be licensed or unlicensed and receive compensation for the services. Requires DES to adopt rules, establishes reporting requirements.</p> <p>Statutes Affected: 8-514.03; 8-514.04</p>



Government

<p>Ch. 3 SB 1400 Budget</p>	<p align="center">BUDGET RECONCILIATION; SUPPLEMENTAL APPROPRIATIONS Sen. Burns, et al</p> <p>Makes several appropriations from the state general fund and other funds for FY 2004-2005. Reduces to the prisons and operations fund by \$4,000,000. This is accompanied by a \$4,000,000 appropriation to the Arizona Department of Corrections for operating expenses needed by a DUI assessment shortfall.</p>
<p>Ch. 17 HB 2363 Title 11</p>	<p align="center">COUNTY PRECINCT OFFICERS; SALARIES Rep. Nelson, et al</p> <p>Changes the following annual salaries of constables who serve in precincts with an average case load of more than one hundred total civil cases. The salary shall:</p> <ul style="list-style-type: none"> • Not exceed \$23,500 with fewer than 10,000 registered voters. • Be between \$29,000 and \$36,000 for precincts with more than 10,000 but less than 12,000 registered voters. • Be between \$36,100 and \$45,800 for precincts with more than 12,000 but less than 16,000 registered voters. • Remain the same at a minimum of \$48,200 for precincts with 16,000 or more registered voters. <p>Statutes Affected: 11-424.01</p>
<p>Ch. 44 SB 1039 Title 13</p>	<p align="center">FEDERAL PEACE OFFICERS; CROSS CERTIFICATION Sen. Huppenthal, et al</p> <p>Simplifies the statute permitting federal peace officers to be cross-certified as state officers. Federal peace officers employed by an agency of the United States who submit a certification request to a sheriff, have completed the agency's training curriculum, and are authorized by federal law to engage in law enforcement activities may be cross-certified on a county-by-county basis by the sheriff. Cross-certification is in effect for one year.</p> <p>Statutes Affected: 13-3875</p>

<p>Ch. 49 SB 1086 Title 11</p>	<p style="text-align: center;">RECORDS ACCESS; VICTIMS OF VIOLENCE Sen. Waring</p> <p>In Maricopa and Pima counties, (in all counties effective, July 1, 2006 pursuant Chapter 243) victims of domestic violence or stalking and persons under orders of protection or injunctions against harassment are added to the list of persons who may request the general public be prohibited from accessing identifier information contained in recorded instruments maintained by the County Assessor, Recorder and County Treasurer. These same persons, as well as those residing with the person, are added to the list of people who may request their personal voter information be kept from the public.</p> <p>All redactions are at the discretion of the presiding judge and are effective for five years. Note, confidentiality of personal voter information currently applies statewide.</p> <p>“Stalking” and “Victim of domestic violence” are defined. Procedures to apply for redaction are included in statute.</p> <p>Statutes Affected: 11-483; 11-484; 16-153</p>
<p>Ch. 57 SB 1269 Title 13</p>	<p style="text-align: center;">CONCEALED WEAPONS; COUNTY DETENTION OFFICERS Sen. Johnson, et al</p> <p>An active duty county detention officer who has been weapons certified by the Sheriff's Office does not need to complete an otherwise required firearms safety training program to obtain a permit to carry a concealed weapon.</p> <p>Statutes Affected: 13-3112</p>
<p>Ch. 59 SB 1312 Title 48</p>	<p style="text-align: center;">AUDIT REQUIREMENTS; COUNTY JAIL DISTRICTS Sen. Huppenthal, Sen. Bennett</p> <p>The County Jail Fund may be audited either by a certified public accountant or in conjunction with the annual county audit. Previously this audit was required to be performed independent of the county audit.</p> <p>Statutes Affected: 48-4025</p>

<p>Ch. 87 SB 1071 Title 41</p>	<p style="text-align: center;">DOMESTIC VIOLENCE FATALITY REVIEW TEAMS Sen. Waring</p> <p>Authorizes a political subdivision to establish a domestic violence fatality review team to examine incidents of domestic violence-related fatalities in order to understand better the dynamics of these fatalities. The review team reports its findings and recommendations as to how incidents of domestic violence related fatalities may be prevented and how the system can be improved to the Office of the Attorney General. The makeup of the review team is specified in the law and, among other members, specifies that one of the members must be a representative from a county or municipal court.</p> <p>Statutes Affected: 41-198</p>
<p>Ch. 96 SB 1182</p>	<p style="text-align: center;">COLD CASE FILE TASK FORCE Sen. Huppenthal, et al</p> <p>Establishes the Cold Case File Task Force. The task force is required to review procedures used by law enforcement agencies in investigating and preserving cold case homicides and recent homicides and to take testimony from members of victim’s families and the public. The task force will submit a report by December 31, 2007 that details its findings, recommendations, and research data to the Speaker, President, and Governor. The composition of the task force is specified in the law.</p> <p>Repealed October 1, 2008.</p>
<p>Ch. 117 HB 2069 Title 12</p>	<p style="text-align: center;">SUPERIOR COURT CLERKS SALARY Rep. Nelson</p> <p>Increases the salary of the Clerk of the Superior Court, effective January 2007. \$76,000 per year in counties with a population of 500,000 or greater, and \$63,000 per year in counties with a population of less than 500,000.</p> <p>Statutes Affected: 12-281</p>

<p>Ch. 119 HB 2087 Title 41</p>	<p style="text-align: center;">INMATES; COMMUNITY ACCOUNTABILITY PILOT PROGRAMS Rep. Konopnicki</p> <p>The entity contracted with the Department of Corrections to provide services to inmates eligible for the Community Accountability Pilot Program shall not provide housing, but may provide guidance in obtaining housing. The Department, however, is not prohibited from offering housing to eligible inmates.</p> <p>Statutes Affected: 41-1609.05</p>
<p>Ch. 138 HB 2450 Title 13</p>	<p style="text-align: center;">CONCEALED WEAPONS CERTIFICATION Rep. Murphy</p> <p>Allows DPS to issue certificates of firearms proficiency according to the Arizona Peace Officer Standards and Training Board firearms qualification in accordance with the Law Enforcement Officers Safety Act of 2004 (authorizes a qualified law enforcement officer or retired officer with specific identification to carry a concealed weapon notwithstanding any state law). DPS must adopt rules.</p> <p>Statutes Affected: 13-3112</p>
<p>Ch. 151 HB 2187 Title 35</p>	<p style="text-align: center;">STATE LIBRARY; RECOVERY OF COSTS Rep. Robson</p> <p>Requires state officers, boards, commissions and agencies to deliver enough of their annual reports to satisfy requirements of the Department of Library, Archives and Public Records. An agency must pay the department a fee, to be set by the department, to cover the cost if the agency refuses to deliver a report and the department incurs expense in obtaining the copies it needs. Agencies are required to notify the department if its reports are posted on the internet.</p> <p>Statutes Affected: 35-103; 41-1335; 41-1338; 41-1345</p>

<p>Ch. 155 HB 2368 Title 15</p>	<p style="text-align: center;">SCHOOL POLICIES; PUPILS; BULLYING Rep. Downing, et al</p> <p>Requires school district governing boards to adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils. Allows for, among other things, confidential reports of incidents, procedures to submit written reports, reporting requirements of employees, and consequences for false reporting. Provides civil immunity for district employees who follow adopted policies and procedures.</p> <p>Statutes Affected: 15-341</p>
<p>Ch. 167 SB 1044 Title 15</p>	<p style="text-align: center;">SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS Sen. Gray, et al</p> <p>Added discretionary powers of school governing board include adopting guidelines to standardize school report cards which contain crime reports; guidelines for parental notification when law enforcement interviews pupils, and when parents may be present, with reasonable exceptions.</p> <p>Statutes Affected: 15-342; 15-746</p>
<p>Ch. 175 SB 1376 Title 41</p>	<p style="text-align: center;">VICTIM COMPENSATION FUND; SUBROGATION Sen. Huppenthal, et al</p> <p>Allows the State of Arizona or a qualified program to be substituted to the rights of an individual who receives monies from the Victim Compensation and Assistance Fund to recover or receive monies or benefits from a third party, to the extent of the amount of money the individual receives from the Fund.</p> <p>Statutes Affected: 41-2407</p>

<p>Ch. 177 SB 1444 Title 15</p>	<p style="text-align: center;">FINGERPRINTING; UNIVERSITY SECURITY PERSONNEL Sen. Bee</p> <p>Requires universities to submit a full set of fingerprints in order to obtain criminal background checks for finalists in security or safety-sensitive positions. Restricts the universities' use of the information to evaluation of employment only, and allows the information to be shared with the other universities. A university relying on information in making employment decisions obtained as a result of the fingerprinting is immune from civil liability unless the information obtained is false and the university knows it is false or the university acts with reckless disregard of the information's truth or falsity.</p> <p>Statutes Affected: 15-1649</p>
<p>Ch. 189 SB 1053 Title 38</p>	<p style="text-align: center;">ELECTIVE OFFICES; TEMPORARY MILITARY VACANCIES Sen. Tibshraeny, et al</p> <p>If a state or local elected officer, other than the governor, is ordered to active military duty projected to last at least 3 months but less than the term of office, a temporary replacement may be appointed. The replacement shall be chosen according to the same statutes that govern a permanent replacement.</p> <p>Statutes Affected: 38-297; 38-300</p>
<p>Ch. 197 SB 1207 Title 15</p>	<p style="text-align: center;">COMMUNITY COLLEGES; ELECTIONS; POLITICAL INFLUENCES Sen. Gray</p> <p>Prohibits a person acting on behalf of a community college or university from using college and university personnel, equipment, materials, buildings, or resources to influence the outcome of elections, except for information on bond elections. The Attorney General's Office shall distribute guidelines to comply with this section. Colleges or universities may request legal opinions regarding compliance. The Attorney General or County Attorney may collect civil penalties from those who violate this section.</p> <p>Statutes Affected: 15-1408; 15-1633</p>

<p>Ch. 225 HB 2325 Title 13</p>	<p style="text-align: center;">CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE Rep. Gray, et al</p> <p>A permit to carry a concealed weapon is now valid for 5 years instead of 4 years and is renewable every 5 years. The person must be fingerprinted for the original and first renewal. A member of the Armed Services who was on active duty and deployed overseas when the permit expired will have 90 days to renew the permit once their deployment is complete. The required firearms safety course is reduced from 16 to 8 hours and the refresher course is reduced from 4 hours to two.</p> <p>If a person charged with Failing to present a permit for inspection presents a permit valid at the time of violation to the court, the charge must be dismissed.</p> <p>Statutes Affected: 13-3112</p>
<p>Ch. 243 HB 2500 Title 11</p>	<p style="text-align: center;">COUNTY RECORDS; REDACTING RESIDENTIAL INFORMATION Rep. Alvarez, et al</p> <p>Enables certain statewide criminal justice personnel to prohibit the public from accessing that person's information through the County Treasurer, County Assessor and County Recorder. This includes judges and peace officers, prosecutors and public defenders. Expands current application from just Maricopa and Pima County.</p> <p>Delayed effective date; effective June 30, 2006.</p> <p>Statutes Affected: 11-484</p>
<p>Ch. 246 HB 2091 Titles 8, 36, 41 & 46</p>	<p style="text-align: center;">FINGERPRINTING DATA; CLEARANCE CARD Rep. Konopnicki</p> <p>Requires DES employees who have contact with children or vulnerable adults, persons who are adopting children, adult and child developmental foster home licensees, and foster parents to submit a fingerprint clearance card. Provides retroactive application after March 31, 2005 to allow DES to begin processing fingerprint cards.</p> <p>Statutes Affected: 8-105; 8-509; 36-594.02; 41-619.51; 41-619.54; 41-1758; 41-1758.01; 41-1968; 46-141</p>

STATE EMPLOYEES; MILITARY DIFFERENTIAL PAY
Sen. Bee, et al

Ch. 267
SB 1356
Title 38

Provides a supplemental salary to state employees who are ordered to active military service during a state of emergency at a rate equal to the state salary minus the military salary. All paid military leave must be exhausted before a person is eligible to receive supplemental state pay. An employee receiving a supplemental salary cannot accrue annual leave or sick leave during the period of active duty. Allows an employee to receive supplemental salary continuously during active duty. Sets forth procedures for the employee to follow and requires DOA to establish procedures for employees to receive supplemental pay.

Retroactive date of June 30th, 2004.

Statutes Affected: 38-610.01

GENERAL APPROPRIATIONS; BUDGET
Sen. Burns, et al

Ch. 286
SB 1513
Budget

General appropriations bill to fund state agencies for fiscal year 2005-2006. The bill includes a 12.5 per cent salary increase for Supreme Court justices and Court of Appeals and Superior Court judges effective January 1, 2007. Justice of the Peace salaries will increase, as they are tied to Superior Court judge salaries pursuant to A.R.S. §22-125.

State employees, with the exception of judges, receive a 1.7% salary increase to cover the increase in the ASRS retirement contribution, effective July 2, 2005.

The state will also cover the increase in contributions for the Elected Official Retirement Plan (EORP) and for state employee medical costs, effective July 2, 2005.

FIRST RESPONDERS; BUILDING INFORMATION SYSTEM
Rep. McComish, et al

The state Office of Homeland Security is required to develop a computer-based program using first responder information technology regarding details of a building, including floor and site plans, fire protection information, tactical and disaster preplans, utility information and known hazards.

State agencies and local governments shall make efforts to ensure that the statewide system is interoperable with other first responder public building information systems allowed by law.

The act becomes effective only if the Department of Public Safety receives direct federal funding earmarked for the critical infrastructure information system by Dec. 31, 2006.

Statutes Affected: 26-371; 26-372; 26-373; 26-374

Ch. 295
HB 2439
Title 26

CRIMINAL JUSTICE; BUDGET
Rep. Pearce, et al

Many provisions related to the justice system.

- Suspends adult probation ratios for Maricopa County in FY 2006.
- Continues the intent of the Legislature in that Maricopa County is to pay for its adult probation programs in FY 2006 including standard, intensive, interstate compact and community punishment. It is not the intent of the Legislature that the Administrative Office of the Courts (AOC) not allocate monies to Maricopa County for other probation programs or support services it provides for adult probation.
- Prohibits the AOC from allocating any monies appropriated for adult probation to Maricopa County, except monies allocated for juvenile probation programs. This provision was contained in the FY 2004 and 2005 budget (Laws 2003, Ch. 263, § 83).
- Requires the Maricopa County Board of Supervisors (Board) to provide administrative oversight and establish program standards for adult probation programs in Maricopa County.
- Requires the Maricopa County Adult Probation Department to prepare and submit a monthly performance report to the JLBC and the Board. This provision was contained in the FY 2004 and 2005 budget (Laws 2003, Ch. 263, § 83).
- Requires Maricopa County to provide the level of funding

Ch. 300
HB 2776
Titles 12, 13,
31, 41, 42

necessary to maintain the caseload capacity that existed as of December 1, 2002. This provision was contained in the FY 2004 and 2005 budget (Laws 2003, Ch. 263, § 83).

- Allows Maricopa County to retain any monies collected by the County (interpreted to mean the political subdivision, county courts, not the municipal courts within the county) from the \$5 probation surcharge assessed pursuant to A.R.S. §12-114.01 on civil and criminal traffic violations.
- Establishes the Attorney General Legal Services Cost Allocation Fund (AGLSCA Fund) for the purpose of reimbursing the Department of Law for general agency counsel. Monies in the fund are subject to Legislative appropriation. The AG shall administer the AGLSCA Fund. Requires all agency-appropriated and non-appropriated funds to contribute a pro-rata share of the general agency counsel services provided by the Department of Law, beginning on July 1, 2006. The pro-rata share is payable by payroll fund source, 0.33% of the total payroll. Includes a list of exempted agencies. This section is effective July 1, 2006.
- Requires the presiding judge of the Superior Court to additionally coordinate with an elected Justice of the Peace and submit a plan to the Supreme Court detailing how monies allocated to the county from the State Aid to the Courts Fund shall be used. It also requires an elected justice of the peace to sign the plan.
- Requires Pima County to quarterly reimburse the AOC for adult and juvenile probation costs in FY 2006. The total amount of reimbursement is \$1,381,900. Once the monies are received by the AOC, it shall deposit them into the General Fund.
- Directs 9% of the Criminal Justice Enhancement Fund distribution from the General Fund to the Crime Laboratory Assessment Fund. These monies are for use by the Department of Public Safety and are exempt from distribution to political subdivisions. Monies in the Crime Laboratory Assessment Fund (A.R.S. § 41-2415) may be used to provide enhanced crime lab services, purchase and maintain scientific equipment for crime lab use and for education and training forensic scientists employed in crime labs.
- Overrides A.R.S. §22-117 in FY 2006. The state is required to pay 38.5% and the county 61.5% of the compensation and employee related expenditures for Justices of the Peace. The bill requires the county to pay the full amount of employer contribution to the Arizona State Retirement System or any county health plan. A.R.S. § 22-117 requires the state to pay 40% and the county 60% of the compensation and employee related expenditures.

Statutes Affected: 12-102.02; 13-901.02; 31-286; 41-191.09; 41-1641; 42-3104; 42-3106

PRECURSOR CHEMICALS; DANGEROUS DRUGS; BAIL

Sen. Leff, et al

A new crime is established, A.R.S. §13-3407.01, Manufacturing methamphetamine under circumstances that cause physical injury to a minor. The offense is a Class 2 Felony, the minor must be under 15 years of age and the offense is punishable as a dangerous crime against children.

Possession of methamphetamine for sale, possession of equipment or chemicals to manufacture methamphetamine, manufacturing methamphetamine and trafficking in methamphetamine (sale, import, offer to sell etc) carries its own sentencing provisions, A.R.S. §13-712. For the first offense, the range is 5-10-15 years, for second or subsequent offense the range is 10-15-20 years. The defendant is not eligible for probation.

In setting bail the court must consider if the person committed one of the above named offenses.

Products in which pseudoephedrine is the single active ingredient must be kept behind a store counter or in a locked facility inaccessible to customers without the assistance of an employee. This does not apply to liquid, liquid capsule or gel capsule form of the product. Places restrictions on purchasing pseudoephedrine, norpseudoephedrine, phenylpropanolamine and ephedrine.

Permits a county or city to remediate a property contaminated by methamphetamine if the owner does not. The cost is passed on to the owner in the form of a property lien.

Provides authority for DHS to accept and spend grant monies for methamphetamine education. The monies can only be disbursed to local prosecutorial or law enforcement agencies with existing programs, faith based organizations and non profit entities providing services to women with a history of dual diagnosis disorders that provide educational programs on the repercussions of methamphetamine use.

Statutes Affected: 13-604.01; 13-712; 13-3404.01; 13-3407; 13-3967

Ch. 327
SB 1473
Titles 13



Traffic

<p>Ch. 80 HB 2343 Title 28</p>	<p style="text-align: center;">VEHICLES; SPECIAL REGISTRATION Rep. McClure, et al</p> <p>A nonresident vehicle registration permit is now valid for 90 days rather than 30 days.</p> <p>Statutes Affected: 28-2003; 28-2154; 28-2154.01, 42-5061</p>
<p>Ch. 113 SB 1420 Title 28</p>	<p style="text-align: center;">UNINSURED DRIVERS; PENALTIES; IMPOUNDMENT Sen. Waring, et al</p> <p>A peace officer must impound the vehicle of a driver who is in an accident, does not have insurance and is driving on a suspended, revoked or canceled license. The officer may also impound the vehicle of a driver who is driving without a license.</p> <p>Additionally, the penalty for driving without insurance increases to:</p> <ul style="list-style-type: none"> • \$500 (from \$250) for a first offense. • \$750 (from \$500) for a second offense. • \$1000 (from \$750) for a third offense. <p>The fines and license suspension will now be mandatory.</p> <p>The bill is unclear as to whether §28-4137 applies, permitting the court to waive or reduce the license suspension.</p> <p>Statutes Affected: 28-3511; 28-3512; 28-4135</p>

<p>Ch. 139 HB 2469 Title 28</p>	<p style="text-align: center;">EMERGENCY VEHICLES; RIGHT-OF-WAY Rep. Konopnicki, et al</p> <p>Expands the requirements for drivers who encounter emergency vehicles. When a police vehicle exhibits an activated red or blue light and siren, a driver is prohibited from approaching or driving parallel to the vehicle and must maintain a distance of at least 300 feet behind the police vehicle until it has moved to the right. If the police vehicle is stationary, the driver should drive with caution and attempt to change lanes so that the driver is not in the lane adjacent to the emergency vehicle. Defensive driving schools may include courses and information regarding the procedures for encountering an emergency vehicle.</p> <p>Statutes Affected: 28-775</p>
<p>Ch. 268 HB 2115 Title 4 & 28</p>	<p style="text-align: center;">PROVIDING MINORS ALCOHOL; LICENSE SUSPENSION Rep. Reagan</p> <p>Authorizes the court to suspended the driver license for not more than 30 days for a first conviction and not more than six months for a second conviction if a person is convicted of knowingly:</p> <ul style="list-style-type: none"> • Influencing the sale, giving or serving of spirituous liquor to a person under 21 years of age by misrepresenting the age of the person. • Ordering, requesting, receiving or procuring spirituous liquor from any licensee with the intent of selling, giving or serving it to a person under 21 years of age. <p>Exemptions include parents or guardians of the minor at their place of residence, religious service or ceremony, title 4 licensee and employees within the scope of the license and employment.</p> <p>Statutes Affected: 4-241; 28-3309</p>

DUI ASSESSMENT, DPS EQUIPMENT; BONUSES
Sen. Waring, et al

Additional assessments on DUI, Boating and Aircraft OUI convictions: \$500 for first offense and \$1250 for a second offense within 5 years.

For extreme DUI and Boating OUI: \$1000 for a first offense and \$1250 for a second offense within 5 years.

For Aggravated DUI, Boating OUI and third or subsequent Aircraft OUI, an additional assessment of \$1500.

Proceeds to be deposited into the General Fund with an appropriation to DPS for body armor, stun guns and other safety equipment and an additional appropriation for the gang intelligence team enforcement mission (GITEM).

Statutes Affected: 5-395.01; 5-395.03; 5-396; 5-397; 28-1381; 28-1382; 28-1383; 28-8284; 28-8286; 28-8287; 28-8288

Ch. 307
SB 1160
Titles 5 & 28

CERTIFIED IGNITION INTERLOCK DEVICES
Sen. Gray, Sen. Verschoor

Persons convicted of Aggravated DUI, pursuant to A.R.S. §28-1383 (A)(3), DUI with a person under fifteen years of age in the vehicle, and persons whose license are suspended for implied consent for a first time in 60 months, may apply for an ignition-interlock restricted driver license in lieu of suspension or revocation. Implied consent requires an initial 90 day hard suspension. A juvenile whose license is suspended for alcohol and other offenses and an 18-20 year old convicted of driving with alcohol in the system must install an interlock device as a condition of obtaining a restricted license.

Cleanup to §28-1383(A)(3) to clarify that the jail sentence range is that of a misdemeanor conviction for DUI, but the rest of the sentencing provisions are as set forth in §28-1383.

Statutes Affected: 28-673; 28-1301; 28-1321; 28-1383; 28-1461; 28-1463; 28-1464; 28-3159; 28-3166; 28-3319; 28-3320; 28-3322

Ch. 312
SB 1240
Title 28

IMMOBILIZATION OF VEHICLES; DUI
Sen. Gray

Expungement of a DUI conviction pursuant to A.R.S. §13-907 does not affect any requirement to equip a defendant's vehicle with an interlock device.

Conforms the language in the Reckless Driving and DUI statutes on release from jail in order for a defendant to attend school or work.

If a peace officer arrests a driver of a vehicle for extreme or aggravated DUI, or if the driver is under 21 and has been drinking an alcoholic beverage, the officer must remove the vehicle and either immobilize it or impound it. *(Note, this section was amended in Chapter 113, SB 1420, however the "shall" language was not included).* The bills will be blended. Exceptions built into the statute.

Regulations governing duration, notification, early release, charges, etc. that currently pertain to impounded vehicles are extended to immobilized vehicles.

Contains an appropriation to ADOT to permit commercial driver schools and not more than 15 motorcycle dealers to act as third parties to administer commercial and motorcycle license exams respectively.

Statutes Affected: 28-3511; 28-3512; 28-3513; 28-3514

Ch. 313
SB 1254
Title 28



Bills That Failed to Pass

<p>HB 2058</p>	<p style="text-align: center;">JPs QUALIFAICATIONS Rep. Rios</p> <p>Sets qualifications for the position of Justice of the Peace to be at least 25 years old and any one of the following:</p> <ul style="list-style-type: none"> • Completed 60 credit hours of postsecondary education. • Certified by the Peace Officers Standards and Training Board. • Served as a magistrate for at least 3 years. <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2076</p>	<p style="text-align: center;">TECHNICAL CORRECTION; TAX COURT DECISIONS Rep. Gray</p> <p>Makes minor changes to the statutes regarding the publication of tax court decision.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2109</p>	<p style="text-align: center;">VICTIMS' RIGHTS; LEGAL STANDING Rep. Tully</p> <p>Expands the legal standing of a victim to allow the victim to invoke victim's rights during an appellate proceeding. (A modified version was included in Chapter 260).</p> <p><i>This bill did not receive a hearing.</i></p>

<p>HB 2144</p>	<p style="text-align: center;">HOMEOWNERS ASSOCIATION PENALTIES; NOTICE; HEARING Rep. Gray</p> <p>Jurisdiction and required hearings for persons contesting penalties imposed by planned-community or condominium associations is conferred on the Justice of the Peace by the original bill. If an association levies a fine of \$250 or more it is required in inform the person in writing of the person’s right to have a Justice of the Peace hearing.</p> <p>The bill was stricken in the senate with language that allows the owner of an outdoor advertising structure that is allegedly in violation to remedy the violation and applies this legislation to court or administrative proceedings that have not been brought to a final adjudication.</p> <p><i>This bill passed the House, but was retained in Senate Committee of the Whole.</i></p>
<p>HB 2149</p>	<p style="text-align: center;">SOCIAL SECURITY NUMBERS; GOVERNMENT REQUEST Rep. Gray</p> <p>State and political subdivisions are prohibited from asking for a social security number on any form unless otherwise required by federal law. Later amended to include certain exceptions and excluding applicability to the judicial branch.</p> <p><i>This bill passed the House and the Senate Government Committee, but was not heard in the Senate Committee of the Whole.</i></p>
<p>HB 2165</p>	<p style="text-align: center;">VULNERABLE ADULTS; FINANCIAL ABUSE Rep. Mason, et al</p> <p>A person is guilty of theft of assets of an incapacitated person through intimidation or deception. This bill would add “undue influence” to that list which is defined as “emotional exploitation, taking unfair advantage or taking grossly oppressive advantage of another person.”</p> <p><i>This bill was did not receive a hearing.</i></p>

<p>HB 2234</p>	<p style="text-align: center;">RESTITUTION; ECONOMIC LOSS DEFINITION Rep. Farnsworth</p> <p>The definition of economic loss as it is used to calculate restitution in criminal cases includes future lost earnings of the victim while excluding punitive damages and damages for pain and suffering. The victim is responsible for providing evidence necessary to establish economic loss to either the prosecutor or the court.</p> <p><i>This bill passed the house, but was not heard in the Senate Judiciary Committee.</i></p>
<p>HB 2236 SB 1143</p>	<p style="text-align: center;">COMPETENCY EVALUATION EXAMINATIONS; COSTS Rep. Farnsworth</p> <p>If a court determines that a criminal suspect should undergo a mental competency examination or one is requested by the prosecution, the suspect shall pay the costs of the examination. Currently, if referred by a municipal court judge, the city pays the cost; otherwise the county is responsible for the expense. If the person was found to be indigent, the city or county would still pay for the exam.</p> <p>The provisions are included in Chapter 252, SB 1013</p> <p><i>This bill passed the House, but was never heard in the Senate Committee of the Whole.</i></p>

<p>HB 2243</p>	<p style="text-align: center;">MATERNITY; PATERNITY; PROCEEDINGS Rep. Hershberger, et al</p> <p>Makes changes to court proceedings involving paternity petitions and child support for disabled children who have reached the age of majority based on recommendations made by the Child Support Committee. Some of the provisions include:</p> <ul style="list-style-type: none"> • Allows the courts to enter a judgment of paternity or maternity immediately if the respondent does not file a response, or if a written response of admission is submitted. • Requires the court to resolve relevant issues to a case, such as custody and visitation, at the time that paternity or maternity is established and a judgment has been entered. • Allows the court to order child support continue past the age of majority if certain conditions are met. <p>The provisions are included in Chapter 130, HB 2249.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2248</p>	<p style="text-align: center;">ORDERS; RECORDING REQUIREMENTS; PATERNITY REGISTRY Rep. Hershberger, et al</p> <p>Requires the Department of Economic Security to create and maintain a paternity registry. The Clerk of the Superior Court is required to transmit court orders to DES for the purpose of maintaining the registry.</p> <p>The provisions are included in Chapter 108, SB 1314.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2257</p>	<p style="text-align: center;">JUSTICE COURTS; JURISDICTIONAL LIMIT Rep. Gray</p> <p>The jurisdictional limit for Justice of the Peace courts is expanded to include matters up to \$30,000 rather than the current \$10,000.</p> <p><i>This bill did not receive a hearing.</i></p>

<p>HB 2283</p>	<p style="text-align: center;">PERSONS WITH DEVELOPEMENTAL DISABILITIES; GUARDIANSHIP Rep. Hershberger, et al</p> <p>The DES Department of Developmental Disabilities Division is allowed to offer guardianship services. The bill states that any service provider who is providing guardianship services shall not provide services that would cause a conflict of interest or that would jeopardize the provider's ability to represent the person with developmental disabilities.</p> <p>The provisions are included in Chapter 291, HB 2242.</p> <p><i>This bill passed the House but was not heard in the Senate Family Services Committee.</i></p>
<p>HB 2284</p>	<p style="text-align: center;">MENTAL HEALTH SERVICES; CONFIDENTIAL INFORMATION Rep. Hershberger, et al</p> <p>Requires medical records and information obtained in the course of evaluation and treatment to be confidential records in Title 36 and Title 14, Chapter 5 proceedings. Allows a legal representative of the party who is the subject of a court proceeding access to the patient's information and records in the possession of a health care entity or field with the court, correcting an unintended consequence of the last sessions HIPPA legislation. This proposal was part of the AJC legislative package.</p> <p>The provisions are included in Chapter 206, SB 1353.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2303</p>	<p style="text-align: center;">CONCILIATION COURT; LIFTING OF STAY Rep. Nelson, et al</p> <p>If a spouse does not participate in the required conciliation services, the other spouse may ask the court to lift the conciliation stay and allow the action for annulment or dissolution to proceed.</p> <p><i>This bill did not receive a hearing.</i></p>

<p>HB 2310</p>	<p style="text-align: center;">SENTENCING; AGGRAVATING CIRCUMSTANCES; MISDEMEANORS Rep. Lopez, et al</p> <p>Provides for a 50% increase in sentencing for a misdemeanor offender if it was also found that the person committed the offense with malice toward the victim because of their race, religion, gender, disability, national origin, or sexual orientation.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2320</p>	<p style="text-align: center;">JP COURTS; PRODUCTIVITY CREDITS; COMPENSATION Rep. Tully</p> <p>Maricopa County supervisors may pay a Justice of the Peace productivity-credit compensation even if the JP's credits are below the prescribed level when the JP hears cases in other precincts.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2327</p>	<p style="text-align: center;">PROSTITUTION; SENTENCING Rep. Gray, et al</p> <p>Creates mandatory sentencing requirements for first and second time offenders, also eliminating the possibility of probation. Third time offense is a Class 6 Felony, and a plea to a lesser charge is prohibited.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2342</p>	<p style="text-align: center;">ADMINISTRATIVE LAW JUDGES; CONFIDENTIAL INFORMATION Rep. McClure, et al</p> <p>An administrative judge can request restrictions on public access to some personal information that is contained in property and voter registration records.</p> <p><i>This bill did not receive a hearing.</i></p>

<p>HB 2396</p>	<p style="text-align: center;">CLEAN ELECTIONS; JUDICIAL OFFICES Rep. Pearce, et al</p> <p>Clean Elections Act is expanded to apply to elections for Justice of the Peace and Constable in all counties and to candidates for Superior Court in all counties except Maricopa and Pima.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2403</p>	<p style="text-align: center;">JUDGES; AUTOMATIC INCREASE ELIMINATED Rep. Pearce, et al</p> <p>Removes the language providing guidance to the County Board of Supervisors to consider petitioning the governor to add a Superior Court Judge for every 30,000 additional persons in the county.</p> <p><i>This bill passed the House but was not heard in the Senate.</i></p>
<p>HB 2405</p>	<p style="text-align: center;">PROBATION; COUNTIES; OFFICERS; FUNDING Rep. Pearce, et al</p> <p>Authority over the Adult Probation Department is transferred to the County Board of Supervisors. The County Sheriff could appoint the chief adult probation officer.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2408</p>	<p style="text-align: center;">CLASS 6 FELONIES; RECLASSIFICATION Rep. Pearce, et al</p> <p>Bill designed to reclassify certain Class 6 Felony offenses to Class 1 Misdemeanors. A few other reclassifications.</p> <p><i>This bill did not receive a hearing.</i></p>

<p>HB 2411</p>	<p style="text-align: center;">EORP; MEMBERSHIP Rep. Pearce, Rep. Barnes</p> <p>State and county elected officials, judges and full-time court commissioners who are elected or appointed after 2005 must join the Arizona State Retirement System rather than the Elected Officials Retirement Plan. Upon re-election or retention, a current member of EORP may choose to transfer to ASRS.</p> <p><i>This bill failed in the House Public Institutions and Retirement Committee.</i></p>
<p>HB 2440</p>	<p style="text-align: center;">STATE LOTTERY; DISTRIBUTIONS Rep. McCornish, Rep. Paton</p> <p>The bill makes many changes to the distribution of state lottery monies to programs. It is intended to simplify the distribution of funds to state programs by having the total collected revenues go into the Lottery Fund. From there, depending on availability, monies shall be distributed in a specific set amount rather than a percentage to the various programs. One of the many changes would be the addition of the Court Appointed Special Advocate program to the list of programs receiving funding from the Lottery Fund.</p> <p><i>This bill passed the House Government Reform Committee, but was held in the Appropriations P Committee.</i></p>
<p>HB 2457</p>	<p style="text-align: center;">EORP; SURVIVING SPOUSE PENSIONS Rep. Burns</p> <p>The pension benefit for a surviving spouse of a member of the Elected Officials Retirement Plan is increased from 75% to 80% of the deceased member's benefit. Those members who are currently receiving benefits as a surviving spouse would receive a 6.67% increase.</p> <p><i>This bill passed the House Public Institutions and Retirement Committee, but was not heard in the Appropriations B Committee.</i></p>

<p>HB 2458</p>	<p style="text-align: center;">EORP; CONTRIBUTIONS; BUYBACKS Rep. Burns</p> <p>Allows active EORP members who are eligible for normal retirement to stop making contributions to the fund while permitting the average yearly salary calculation to include service where no contributions have been made.</p> <p><i>This bill passed the House Public Institutions and Retirement Committee, but was not heard in the Appropriations B Committee.</i></p>
<p>HB 2480</p>	<p style="text-align: center;">STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION Rep. Tully</p> <p>In cases regarding the right to petition, the court is required to award reasonable attorney fees to the defending party if judgment is rendered in the party's favor. In these cases, the court must determine the plaintiff's action was a "strategic lawsuit" brought to "deter or prevent the defending party from exercising constitutional rights." Courts must give calendar preference to these cases.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2561</p>	<p style="text-align: center;">RACING ON HIGHWAYS; VEHICLE IMPOUNDMENT Rep. Rosati, et al</p> <p>If a person is convicted of racing a vehicle on the highway, the judge may order the vehicle the person was driving at the time of the violation to be impounded for a period not to exceed ninety days.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>HB 2564</p>	<p style="text-align: center;">DRUG TESTING: TAINTED URINE SAMPLES Rep. Barnes, et al</p> <p>Makes it a Class 1 Misdemeanor to knowingly or intentionally taint a urine sample required for a drug test.</p> <p><i>This bill passed the House, but failed in the Senate Commerce and Economic Development Committee.</i></p>

HCR 2005	<p style="text-align: center;">JUSTICE COURTS; JURISDICTIONAL LIMITS Rep. Gray</p> <p>Referendum for a Constitutional amendment to increase the jurisdictional limits of Justice Courts to \$30,000.</p> <p><i>This bill was held in the House Judiciary Committee.</i></p>
HCR 2013	<p style="text-align: center;">ELECTION; PRESIDING SUPERIOR COURT JUDGES Rep. Gray</p> <p>Referendum for a Constitutional amendment to mandate selection of the presiding Superior Court judge of the county by the Superior Court judges instead of the Supreme Court in counties with more than 2 Superior Court judges.</p> <p><i>This bill failed in the House Judiciary Committee.</i></p>
HCR 2014	<p style="text-align: center;">SUPREME COURT JURISDICTION Rep. Gray, et al</p> <p>Referendum for a Constitutional amendment to allow the procedural or evidentiary rules of the court adopted by the Supreme Court to be amended or repealed by the legislature or the people.</p> <p><i>This bill was held in the House Judiciary.</i></p>
HCR 2026	<p style="text-align: center;">SUPREME COURT; ADMINISTRATIVE SUPERVISION Rep. Gray</p> <p>Referendum for a Constitutional amendment assigning administrative supervision of the Justice Courts to the presiding Superior Court judge of the county, in cooperation with the Board of Supervisors of the county (instead of the Supreme Court). The Supreme Court would retain supervision over the Superior Courts, Appellate Courts, and Municipal Courts.</p> <p><i>This bill was discussed, but held in the House Judiciary Committee.</i></p>

HCR 2031	<p style="text-align: center;">SEPARATION OF POWERS; JUDICIAL LAWMAKING Rep. Pearce, et al</p> <p>Referendum for a Constitutional amendment prohibiting the courts from establishing rules of law on a retroactive basis, stating that the legislature and people are vested with the sole authority to establish laws in the public interest.</p> <p><i>This bill passed the House Judiciary Committee, but was not heard in the Rules Committee.</i></p>
HCR 2035	<p style="text-align: center;">JUDICIAL CONDUCT; OPEN RECORDS; PROCEEDINGS Rep. Paton, et al</p> <p>Referendum for a Constitutional amendment requiring documents and proceedings relating to complaints made to the Commission on Judicial Conduct be open to the public.</p> <p><i>This bill did not receive a hearing.</i></p>
HCR 2040	<p style="text-align: center;">JUDGES; MERIT SELECTION; POPULATION Rep. Rios</p> <p>Referendum for a Constitutional amendment increasing the population threshold where counties would be required to appoint Superior Court judges through the merit selection process to 50,000.</p> <p><i>This bill did not receive a hearing.</i></p>

HCR 2056	<p style="text-align: center;">JUSTICES AND JUDGES; GOVERNOR APPOINTMENT Rep. Gray</p> <p>Referendum for a Constitutional amendment eliminating both the appellate court and trial court nominating commissions. The bill allows the Governor to appoint any person to fill a vacancy of the appellate court or the superior courts in Maricopa and Pima counties. These appointments would be subject to Senate confirmation. At the end of their terms, a justice and judge would be subject to retention and Senate reconfirmation every 4 years.</p> <p><i>The bill passed the House Judiciary Committee, but was not heard in the Government Reform Committee.</i></p>
HCR 2057	<p style="text-align: center;">COURT APPOINTMENTS; COMMISSIONS; MEMBERS Rep. Gray</p> <p>Referendum for a Constitutional amendment mandating the chair of the Senate Judiciary Committee serve as a non-voting member and chair of the Appellate Court Appointment Commission and both trial court appointment commissions. Also provides that if the Governor does not appoint a nominee to the commission within 60 days, the chair of the Senate Judiciary Committee shall make the appointment.</p> <p><i>This bill passed the House, but was used as a striker in the Senate.</i></p>
SB 1003	<p style="text-align: center;">PERSONS EXCUSED FROM JURY SERVICE Sen. Harper</p> <p>Outlines excuses from jury service, including military service, being out of the state, persons 75 years or older, or lack of transportation.</p> <p><i>This bill passed the Senate. However, the bill was used as a striker in House Judiciary Committee, allowing justices of the peace to appoint employees. Establishes a study committee to examine how JP productivity credits would be calculated.</i></p> <p><i>This striker passed the House Judiciary Committee, but did not receive any further hearings.</i></p>

<p>SB 1004</p>	<p style="text-align: center;">JURIES; PERSONS EXCUSED FROM SERVICE Sen. Tibshraeny, et al</p> <p>Allows persons 72 years of age or older, to be temporary or permanently excused from jury service.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>SB 1015</p>	<p style="text-align: center;">JURIES; PERSONS EXCUSED FROM SERVICE Sen. Jarrett, et al</p> <p>Outlines excuses from jury service, including military service, being out of the state. Persons 70 years or older are permanently excused from service.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>SB 1046</p>	<p style="text-align: center;">ORDERS OF PROTECTION; SERVICE Sen. Johnson, et al</p> <p>An attempt to simplify the service of orders of protection by stating that any person authorized to conduct service of process shall serve an order if requested by the plaintiff, regardless of the jurisdiction.</p> <p><i>This bill did not receive a hearing.</i></p>
<p>SB 1215</p>	<p style="text-align: center;">JUSTICE OF THE PEACE; DUTIES Sen. Jarrett, et al</p> <p>Prescribes the duties of a Justice of the Peace, including administrative management of the Justice Court, employing personnel, scheduling hearings, and cooperating with the Supreme Court regarding administrative matters.</p> <p><i>This bill passed the Senate Judiciary Committee, but was retained on the COW calendar. A Supreme Court administrative order was issued incorporating some of the provisions of this bill.</i></p>

<p>SB 1216</p>	<p style="text-align: center;">PRESIDING JP; DUTIES Sen. Jarrett, et al</p> <p>Prescribes the duties of the presiding Justice of the Peace, including exercising administrative duties over Justices of the Peace, JP pro tem and hearing officers; performing other duties prescribed by law and assisting in the preparation of the expenditure plans for the Justice Courts.</p> <p><i>This bill passed the Senate, but did not receive a hearing in the House. A Supreme Court administrative order was issued incorporating some of the provisions of this bill.</i></p>
<p>SCR 1025</p>	<p style="text-align: center;">COURT JUDGMENTS; LEGISLATIVE APPROVAL Sen. Blendu</p> <p>Referendum for a Constitutional amendment requiring legislative approval of court judgments of \$1 million dollars or more, or any judgment that called for a statutory change.</p> <p><i>This bill failed in the Senate Judiciary Committee.</i></p>
<p>SCR 1032</p>	<p style="text-align: center;">SUPERIOR COURT JUDGES; SUPERVISORIAL DISTRICTS Sen. Verschoor</p> <p>Referendum for a Constitutional amendment eliminates the commission on trial court appointments and mandates the Board of Supervisors in counties with populations over 250,000 to establish judicial districts that parallel supervisor districts. Superior Court judges are to be elected within these districts. Vacancies are to be filled by the Governor, from nominees by the Board of Supervisors, until the next election. In counties less than 250,000 persons, the Governor shall fill vacancies.</p> <p><i>This bill did not receive a hearing.</i></p>

JUSTICE AND JUDGES; SENATE CONFIRMATION
Sen. Tibshraeny, et al

SCR 1038

Referendum for a Constitutional amendment on judicial selection. Requires the Governor to submit her nominees for the state Supreme Court, Court of Appeals and Superior Court in a county with a population of 400,000 persons or more to the state Senate for approval, allows the Senate or the Senate president to call the Senate into special session at any time to consider a judicial appointment. If the Senate does not reject an appointee by a majority vote of its members within 60 days after appointment by the Governor, the appointee will take office as if the appointee had been confirmed. Extends the term of office of a justice or judge of the Supreme Court and Court of Appeals to 10 years from six and the term of trial court judges to six years from four. Removes the requirement for Senate approval of Governor's appointees to judicial nominating commissions and adds three members to the Appellate and Trial Commissions, to be appointed by the Governor. Removes the requirement that the 13 other members of the Commissions be non-attorneys. Permits the Appellate Commission and the Trial Court Commissions to propose amendments to the rules of procedure by both Commissions by a majority vote of each Commission voting to amend the rules. Requires the Supreme Court to adopt a procedural rule change for the Commissions if the rule is accepted by a majority vote of each Commission and are lawful.

This bill passed the Senate, but did not receive a hearing in the House.



Vetoed Bills

<p>HB 2030 5/20/05</p>	<p style="text-align: center;">PUBLIC PROGRAMS; CITIZENSHIP Rep. Boone</p> <p>Various education-related services and benefits would be denied to illegal aliens. Government agencies were to report semi-annually how many total applications were processed and how many were refused because the applicant was an illegal alien.</p> <p>GOVERNOR'S VETO MESSAGE said while she agrees that public programs should not be available to those who consciously decide to come here illegally, this bill would punish even long-time residents of this state who were brought here as small children by their parents.</p>
<p>HB 2226 4/25/05</p>	<p style="text-align: center;">FEDERAL FUNDS; REPORTING Rep. Nelson</p> <p>The Governor's budget office would have been required to prepare an annual report on all non-appropriated monies. The Department of Administration annual report on financial transactions would have had to include all appropriated and non-appropriated monies.</p> <p>GOVERNOR'S VETO MESSAGE said that while she believes in making the process by which federal funds are administered in the state transparent and available for public review, she is, like predecessor governors of both parties, opposed to legislative efforts to appropriate or condition the spending of federal funds.</p>
<p>HB 2404 5/20/05</p>	<p style="text-align: center;">CAPITOL POLICE; TRANSFER Rep. Pearce, et al</p> <p>Authority over the Capitol Police would have been transferred from the Department of Administration to the Department of Public Safety.</p> <p>GOVERNOR'S VETO MESSAGE said the bill does not appropriate money to facilitate the high cost of transferring a law enforcement agency from one agency to another. The bill also failed to address a number of other legal changes required to make such a transfer work.</p>

<p>HB 2505 5/02/05</p>	<p align="center">ELECTED OFFICIALS; OFFICEHOLDER EXPENSES; ACCOUNTS Rep. Cajero-Bedford, et al</p> <p>Persons elected or appointed to a statewide elective office and members of the Legislature would have been permitted to maintain officeholder accounts for non-campaign expenses.</p> <p>GOVERNOR'S VETO MESSAGE said the bill runs counter to the intention of the citizen-approved Clean Elections law.</p>
<p>HB 2709 5/02/05</p>	<p align="center">PRIVATE PRISONS; MEXICO FACILITY Rep. Jones, et al</p> <p>The Dept of Administration, in cooperation with a new Foreign Private Prison Commission, would have been required to call for bids to construct a private prison in Mexico to house foreign national prisoners. The act would not have become effective unless the United States agreed to amend a treaty with Mexico on the execution of penal sentencing by June 30, 2010.</p> <p>GOVERNOR'S VETO MESSAGE said that the bill would neither fix our border problems nor reduce the cost to incarcerate criminal aliens.</p>

ENGLISH LANGUAGE LEARNERS
Rep. Boone, et al

HB 2718
5/20/05

The current statute (ARS 15-756) relating to programs, requirements and funding for English language learning (ELL) would have been repealed and replaced by new language that mandated schools to identify, assess classify and monitor pupils whose primary or home language is not English. Each school district and charter school would have been required to adopt a plan to implement Structured English immersion (SEI) and to submit specific funding requests from an SEI Fund established for the purpose. A 7-member Arizona English Language Learners Task Force would have been established to develop models of SEI for schools.

GOVERNOR'S VETO MESSAGE said that contrary to a negotiated agreement, legislative leadership did not develop a bi-partisan bill to satisfy *Flores*. She also said the bill was a disservice to the state's students who need ELL programs because the funding was grossly inadequate. The governor also objected to a new bureaucracy to approve ELL programs. She said the bill is not reasonably calculated to comply with the court's order and that when she is informed by both minority and majority leadership that a bi-partisan bill is ready, she will call a special session.

GENERAL REVENUES; BUDGET
Rep. Pearce, et al

HB 2770
5/20/05

Budget bill dealing with federal funds, the Lottery and the Sports & Tourism Authority for fiscal 2005-2006.

GOVERNOR LINE ITEM VETOED the sections of the bill that included:

- Elimination of the minimum distribution of sales tax revenue to the Arizona Sports and Tourism Authority.
- A requirement that unrestricted federal money to be deposited into the state general fund to pay for "essential government services."

<p>HB 2782 5/09/05</p>	<p style="text-align: center;">FULL-DAY KINDERGARTEN; EXPANSION Rep. Boone</p> <p>Would have appropriated \$38 million for full day kindergarten in FY 2005-2006 and \$5.5 million for kindergarten vouchers. No additional appropriation for full-day K was allowed beyond this year until JLBC reviewed the study, and future appropriations for full-day K were to be made annually. All schools that offer full-day K must have also offered half-day K with "academically meaningful instruction" in standards adopted by the Board of Education.</p> <p>GOVERNOR'S VETO MESSAGE said she has consistently opposed vouchers because they fail to further education opportunities for all Arizona students.</p>
<p>SB 1145 4/18/05</p>	<p style="text-align: center;">MARRIAGE DISSOLUTION; MISCONDUCT Sen. Johnson, et al</p> <p>The requirement that marital misconduct be excluded as a factor in various divorce proceedings including disposition of property and computation of spousal maintenance and child support would have been repealed.</p> <p>GOVERNOR'S VETO MESSAGE said the bill would bog down already overloaded family courts and that protections in this area already exist.</p>

<p>SB 1167 5/09/05</p>	<p style="text-align: center;">ENGLISH AS OFFICIAL LANGUAGE Sen. Verschoor</p> <p>English would have been established as the official language of the state, government officials would have been required to preserve, protect and enhance the role of English, and official government functions would have been required to be conducted in English. Government representatives would still have been able to communicate in a language other than English as long as official action was conducted in English.</p> <p>GOVERNOR'S VETO MESSAGE said while she agrees that non-English speaking Arizonans should be encouraged to learn English, this bill is overly broad, not properly funded and does not accomplish that goal. She also said that because of drafting problems, speakers of native American languages could have been denied services to which they are entitled.</p>
<p>SB 1186 5/20/05</p>	<p style="text-align: center;">VOTER REGISTRATION INFORMATION; PRIVACY; CITIZENSHIP Sen. Martin</p> <p>An elector whose name is on a precinct register but who does not have ID required by Prop 200 would have been allowed to cast a provisional ballot upon presenting other forms of ID (e.g. utility bill, vehicle registration, Indian census card, etc.). Documents submitted to County Recorders to verify citizenship would have been considered confidential and not subject to public records law.</p> <p>GOVERNOR'S VETO MESSAGE said the bill would have interfered with a lawful citizen's right to vote by placing undue restrictions on voters being able to cast provisional ballots.</p>

<p>SB 1188 4/25/05</p>	<p style="text-align: center;">AGENCY BUDGETS; RESPONSIBILITIES Sen. Martin, Sen. Jarrett</p> <p>During the year of a state agency's sunset review, the agency would have had to link its mission statement and strategic objectives to the agency budget; prioritize its activities and assign a cost to each.</p> <p>GOVERNOR'S VETO MESSAGE said much of the information required in the bill is already provided in different forms to the Legislature, the Auditor General and JLBC. It would have also imposed an activity specific cost identification requirement on agencies whose current accounting structures could not support that change. The Governor also objected because the bill would have required executive agencies to conform their reports to formats defined by JLBC, in effect giving JLBC statutory authority over some duties of executive branch agencies.</p>
<p>SB 1306 5/20/05</p>	<p style="text-align: center;">LOCAL ENFORCEMENT; FEDERAL IMMIGRATION LAWS Sen. Johnson, et al</p> <p>Peace officers would have been authorized to enforce federal immigration laws.</p> <p>GOVERNOR'S VETO MESSAGE said the bill did not represent a real solution to the state's immigration problems and lacked funding for necessary training.</p>
<p>SB 1339 4/25/05</p>	<p style="text-align: center;">CIVIL RIGHTS; IDENTITY DISCLOSURE PROHIBITED Sen. Martin, Sen. Bee</p> <p>A subpoena issued by the Attorney General's Civil Rights Division would have had to inform the recipient of rights and obligations as provided by law and rule. Other provisions were included</p> <p>GOVERNOR'S VETO MESSAGE said the bill imposed a host of unnecessary restrictions on the Attorney General's Office when investigating civil rights cases and hampered the enforcement of civil rights cases.</p>

<p>SB 1363 4/25/05</p>	<p style="text-align: center;">BAR LICENSES; FIREARMS; POSTED NOTICES Sen. Harper, et al</p> <p>Firearms would have been allowed in bars and other establishments that sell alcohol for on-site consumption, although it would have been illegal for a person carrying a firearm to consume alcohol. If an owner wanted to prohibit patrons from carrying weapons, the owner would have to post a notice at every entrance.</p> <p>GOVERNOR'S VETO MESSAGE said that the state's law enforcement community opposed the bill and that the concerns of bar and restaurant owners were not sufficiently addressed.</p>
<p>SB 1397 3/21/05</p>	<p style="text-align: center;">BUDGET RECONCILIATION; CRIMINAL JUSTICE Sen. Burns, et al</p> <p>Various provisions related to the justice system.</p> <p>GOVERNOR'S VETO MESSAGE objected to lack of funding for various programs.</p>
<p>SB 1408 3/21/05</p>	<p style="text-align: center;">GENERAL APPROPRIATIONS; 2005-2006 Sen. Burns, et al</p> <p>General appropriation bill for FY 2006 for state agencies.</p> <p>GOVERNOR'S VETO MESSAGE objected to lack of funding for several programs.</p>
<p>SB 1427 4/25/05</p>	<p style="text-align: center;">CLEAN ELECTIONS; RULES; REPORT Sen. Huppenthal</p> <p>By August 1, 2005, the Citizens Clean Elections Commission would have been required to determine and make public how many pages of rules, policies and documents it likely would have adopted by 2010.</p> <p>GOVERNOR'S VETO MESSAGE said the bill serves no purpose other than to create busywork for the Commission.</p>

<p>SB 1511 5/06/05</p>	<p style="text-align: center;">SECURE AND VERIFIABLE IDENTIFICATION Sen. Martin, et al</p> <p>State and local government agencies would not have been able to accept any ID document not issued by a local Arizona government, an Indian tribe or a state or federal authority, and that ID must have been verifiable by a law enforcement or homeland security agency when providing public services, including law enforcement that required recipients to produce identification. Law enforcement services would not have been withheld, but an unverifiable document could not have been used to establish identity. The bill carried exceptions required by treaty, federal law or to report a crime.</p> <p>GOVERNOR'S VETO MESSAGE said the bill was poorly drafted, overly broad and lead to unintended consequences including the inadmissibility of any foreign passport to establish identity. The matriculate consular card issued by the Mexican government and legally carried by Mexican nationals could not be used to establish identity.</p>
<p>SB 1527 5/20/05</p>	<p style="text-align: center;">TUITION ORGANIZATIONS; TAX CREDIT; BUDGET Sen. Martin</p> <p>This budget bill would have authorized income tax credits for corporations who contribute to student tuition organizations. The program would have been capped at \$5 million statewide per calendar year and procedures were included permitting the Department of Revenue to monitor and pre-approve contributions. The bill included various implementation provisions.</p> <p>GOVERNOR'S VETO MESSAGE said that the budget agreement reached with legislative leaders included a requirement that the bill carry a sunset provision, which it did not. She said the deal included a promise from leaders that they would develop a bi-partisan bill to fund the <i>Flores</i> case, the Governor said that was not done.</p>