

CIVIL								
<p style="text-align: center;">Chapter 40</p> <p style="text-align: center;"><u>HB2065</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr style="background-color: #cccccc;"> <td style="padding: 2px;">Superior Court</td> </tr> <tr style="background-color: #e6e6ff;"> <td style="padding: 2px;">Clerk of Court Judge</td> </tr> <tr style="background-color: #ffffcc;"> <td style="padding: 2px;"> </td> </tr> <tr style="background-color: #ccffcc;"> <td style="padding: 2px;"> </td> </tr> <tr style="background-color: #cccccc;"> <td style="padding: 2px;"> </td> </tr> </table>	Superior Court	Clerk of Court Judge				<p style="text-align: center;">CONSTRUCTION CONTRACT BIDS; CIVIL PENALTY Rep. Nelson</p> <p>Increases the civil penalty that may be imposed against an "agent" (defined in A.R.S. § 34-101 to include any county, city or town, or officer, board or commission thereof, and irrigation, power, electrical, drainage and flood control districts, tax levying public improvement districts, and county or city improvement districts) who knowingly violates statutes governing placing public contracts out for bid, until July 1, 2009. Continues the existing provision that authorizes the Attorney General to recover the penalty by bringing an action in the name of this state in the superior court in the county in which the violation occurred.</p> <p>Statute(s) Impacted: 34-203, 34-611</p> <p>Court Impact: Informational.</p>		
Superior Court								
Clerk of Court Judge								
<p style="text-align: center;">Chapter 76</p> <p style="text-align: center;"><u>HB2323</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr style="background-color: #e6e6ff;"> <td style="padding: 2px;">Superior Court</td> </tr> <tr style="background-color: #e6e6ff;"> <td style="padding: 2px;">Clerk of Court Court Administrator Judge</td> </tr> <tr style="background-color: #ffffcc;"> <td style="padding: 2px;">Justice of the Peace Court</td> </tr> <tr style="background-color: #ffffcc;"> <td style="padding: 2px;">Court Clerk Court Administrator Judge</td> </tr> <tr style="background-color: #ccffcc;"> <td style="padding: 2px;">Municipal Court</td> </tr> <tr style="background-color: #ccffcc;"> <td style="padding: 2px;">Court Clerk Court Administrator Judge/Magistrate</td> </tr> <tr style="background-color: #cccccc;"> <td style="padding: 2px;"> </td> </tr> </table>	Superior Court	Clerk of Court Court Administrator Judge	Justice of the Peace Court	Court Clerk Court Administrator Judge	Municipal Court	Court Clerk Court Administrator Judge/Magistrate		<p style="text-align: center;">HAZARD DISCLOSURES; REPORTS Rep. Reagan</p> <p>Creates a new offense amorphously titled, Representation of legal requirement. It is unlawful for a third party provider offering a disclosure report pursuant to section A.R.S. § 33-423, having to do with the sale of real property to make certain enumerated representations in marketing materials, contracts or by any other means. A violation is a Class 1 misdemeanor.</p> <p>Statute(s) Created: 33-424</p> <p>Statute(s) Amended: 33-423</p> <p>Court Impact: Establishes new class 1 misdemeanors. Authorizes a civil action with prescribed damages and prosecution for misrepresentations regarding a real estate Hazard Disclosure Report. The violations stated above are subject to enforcement through private action in a court of competent jurisdiction and to prosecution by the attorney general or the appropriate county attorney. In addition to any other remedies provided by law, a provider found in violation of the marketing requirements is liable to the receiving party for damages (maximum \$2,000 per occurrence). The court must also award the prevailing party reasonable costs and attorney's fees.</p>
Superior Court								
Clerk of Court Court Administrator Judge								
Justice of the Peace Court								
Court Clerk Court Administrator Judge								
Municipal Court								
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<p style="text-align: center;">Chapter 94</p>	<p style="text-align: center;">BURIAL RESPONSIBILITY Sen. Harper</p>							

<p style="text-align: center;"><u>SB1023</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p style="background-color: yellow;"> </p> <p style="background-color: lightgreen;"> </p> <p style="background-color: gray;"> </p>	<p>In pertinent part, allows a crematory, cemetery or funeral establishment to bring an action in court to expedite a resolution of a dispute involving disposition of remains or funeral arrangements.</p> <p>Statute(s) Impacted: 14-5425, 32-1365.02, 36-327, 36-831, 36-3221, 36-3224</p> <p>Court Impact: Clarifies procedures and responsibilities for making final arrangements for a deceased person. May result in actions filed by crematories, cemeteries, or funeral establishments regarding disposition of a decedent's remains.</p>
<p style="text-align: center;">Chapter 97</p> <p style="text-align: center;"><u>SB1100</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Jury Commissioner/Manager</p> <p style="background-color: yellow;">Justice of the Peace Court Court Clerk Court Administrator Judge Jury Commissioner/Manager</p> <p style="background-color: lightgreen;">Municipal Court Court Clerk Court Administrator Judge/Magistrate Jury Commissioner</p> <p style="background-color: gray;">Administrative Office of the Courts</p>	<p style="text-align: center;">REGISTERED NURSE PRACTITIONERS; AUTHORITY Sen. Allen</p> <p>In pertinent part, expands the list of eligible persons who may provide the court with a medical statement excusing an individual from jury duty to include a registered nurse practitioner licensed pursuant to Title 32, Chapter 15.</p> <p>Statute(s) Impacted: 21-202</p> <p>Court Impact: Courts must now accept a juror medical excuse statement signed by a registered nurse practitioner (in addition to a physician). The existing medical excuse form (prepared by the AOC) will be revised to reflect this change. The form must be added to the Board of Nursing website (in addition to the Arizona Medical Board as currently).</p>
<p style="text-align: center;">Chapter 100</p> <p style="text-align: center;"><u>SB1227</u></p> <p style="text-align: center;">Effective Date General</p>	<p style="text-align: center;">DOMESTIC VIOLENCE; LEASE TERMINATION Sen. Bee</p> <p>In pertinent part, permits a tenant to terminate a rental agreement for being a victim of domestic violence if written notice is provided within 30 days to a landlord and a request is made to be released from the rental agreement. The victim must provide the landlord with either a copy of any protective order or a copy of a written departmental report from a law enforcement agency that</p>

<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>states that the tenant notified the law enforcement agency that the tenant was a victim of domestic violence. The landlord may request a receipt or signed statement that an order of protection has been submitted to an authorized officer of the court for service as well as the name and address of the person named if known by the victim. A person named in the departmental report or the order of protection who provokes an early lease termination is deemed to have interfered with the residential rental agreement between the landlord and tenant, and may be civilly liable for all economic losses incurred by a landlord, including unpaid rent, early lease termination fees, costs to repair damage to the premises and any reductions or waivers of rent for the domestic violence early lease termination. An emergency order of protection or protective order issued to a resident of a rental property automatically applies to the entire residential rental property in which the tenant has a rental agreement.</p> <p>Statute(s) Impacted: 33-1361</p> <p>Statute(s) Created: 33-1318</p> <p>Court Impact: Courts should be aware of the effect of this bill on landlord/tenant issues when issuing a protective order, including that a protective order or emergency protective order applies to the entire residential rental property in which the tenant has a rental agreement. The factual situations contemplated by this bill likely will be raised as an argument in some landlord-tenant proceedings, so courts should be familiar with the rights and obligations of all parties. Courts may begin to see separate civil proceedings for damages filed under the provisions of this bill.</p>
<p>Chapter 111</p> <p>HB2077</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator</p>	<p>WRIT OF RESTITUTION; CRIMINAL TRESPASS Rep. Nelson</p> <p>If a person is found guilty of forcible entry or detainer, the court must notify the defendant that if the defendant is served with a writ of restitution and remains or returns unlawfully on or to the property, the defendant will have committed criminal trespassing in the third degree. Prohibits any reference to a defendant's social security number from being contained on a forcible entry and detainer judgment.</p> <p>Statute(s) Impacted: 12-1178</p> <p>Court Impact: Clarifies that conduct in disregard of a writ of restitution constitutes criminal trespass, a class 3 misdemeanor. Courts must give the defendant notice of this fact in forcible entry and detainer proceedings.</p>

<p>Judge</p>	<p>Courts should include this notice on the judgment/minute entry. Courts shall ensure that the defendant's social security number is not contained on the judgment.</p>
<p>Chapter 131</p> <p><u>HB2750</u></p> <p>Effective Date General</p>	<p>JUSTICES OF THE PEACE; JURISDICTION Rep. Pearce</p> <p>Justice of the Peace Courts in a county with a population of more than two million have original jurisdiction over the following actions that occur within the precinct in which the Justice of the Peace is elected:</p> <ul style="list-style-type: none"> • Civil actions up to the statutory limit, • Small claims, • Civil traffic offenses unless filed by a municipal officer or agent or an officer employed by a law enforcement agency under contract to the municipality for law enforcement services, • Special detainers, • Forcible detainers ten thousand dollars or less, • Misdemeanors, unless filed by a municipal officer in municipal court or consolidated with a felony, <p>The Superior Court no longer may exercise concurrent jurisdiction with JP Courts over civil actions from \$5,000 to \$10,000.</p> <p>Statute(s) Impacted: 22-101, 22-201, 22-301</p> <p>Court Impact: May reduce the number of civil filings in Superior Court and increase the number of civil filings in Justice of the Peace Courts throughout the state. In Maricopa County, may reduce the number of civil and criminal filings in Superior and Municipal Courts and increase the number of civil and criminal filings in Justice of the Peace Courts.</p>
<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Court Clerk</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>ARBITRATION; CLAIMS; COMPENSATION Sen. Huppenthal</p> <p>Increases the compulsory arbitration limit that is established by each county from \$50,000 to \$65,000. Increases the arbitrator's compensation, raising the maximum daily fee from \$75 to \$140. Lowers disincentive for a trial de novo from 25% to 23%.</p> <p>Statute(s) Impacted: 12-133</p> <p>Court Impact: The superior court may choose to modify court rule to reflect new arbitration amounts.</p>
<p>Chapter 142</p> <p><u>SB1054</u></p> <p>Effective Date General</p>	
<p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p></p> <p></p> <p></p>	

<p>Chapter 194</p> <p><u>SB1247</u></p> <p>Effective Date General</p> <p>Item of Interest to:</p> <p>Superior Court Judge</p> <p></p> <p></p> <p></p>	<p>SUPPORT; MAINTENANCE; HOMESTEAD EXEMPTION Sen. Johnson</p> <p>Exempts liens for child support or spousal maintenance arrearages from the homestead exemption protection. Specifies that in a contempt proceeding to enforce the payment of child support or spousal maintenance, the court can consider the amount covered by the homestead exemption as a resource from which the obligor has the ability to pay.</p> <p>Statute(s) Impacted: 33-964, 33-1103</p> <p>Court Impact: An award of court-ordered support qualifies as a lien if either the arrearage has been reduced to judgment, a lien has been filed by the Department of Economic Security because the obligor is at least two months in arrears, or the court orders a specific security interest in the property for support. Courts will need to be aware of the effect of a judgment for child support or spousal maintenance arrearages upon the obligor's interest in real property as well as the evidentiary standard pertaining to a homestead exemption claim in a contempt proceeding.</p>
<p>Chapter 199</p> <p><u>SB1434</u></p> <p>Effective Date Delayed 01/01/2008</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Jury Commissioner/Manager</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge Jury Commissioner/Manager</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate Jury Commissioner</p>	<p>JURY; COMMISSIONER DUTIES; JUROR SELECTION Sen. Chuck Gray</p> <p>Jurors must be summoned countywide unless an alternative plan is adopted. Courts wanting to adopt an alternative plan must submit a summoning plan to the Supreme Court or the presiding judge of the county for approval. Alternate procedures for summoning jurors to superior courts with multiple court locations may include dividing counties into jury districts or using a countywide method that minimizes the distance a prospective juror must travel. All summoning plans must pass constitutional muster. The plan must also provide for a summoning of jurors from a fair cross-section of the community. Requires a judge or jury commissioner to notify a prospective juror if the juror has been permanently excused from jury duty. Makes a number of changes to the procedure for summoning and selecting jurors to maintain pace with current practices and technologies.</p> <p>Statute(s) Impacted: 9-823, 12-1176, 21-131, 21-201, 21-202, 21-223, 21-313, 21-314, 21-315, 21-331, 21-332, 21-334, 21-336.01, 21-402, 21-404, 21-406, 21-417, 21-423, 21-428, 22-320</p> <p>Statute(s) Created: 21-101, 21-132, 21-301, 21-302, 21-311, 21-312, 21-404</p>

	<p>Statute(s) Repealed: 21-101, 21-311, 21-312, 21-316, 21-317, 21-318, 22-426</p> <p>Court Impact: Makes substantial changes to jury management procedures, bringing statute in line with modern practices, including the use of jury management software. Jury commissioners and jury personnel at all court levels will need to be aware of the revised statutory requirements and responsibilities in the area of jury management.</p>
<p>Chapter 208</p> <p><u>HB2291</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>DRIVER LICENSE INFORMATION; RETAILER USE Rep. Konopnicki</p> <p>Prescribes conditions for retailer retention and use of information from a customer's driver's license or other state issued identification. Use of the information in a court or administrative proceeding is not prohibited. Enforcement against a retailer may be through either the county attorney or Attorney General, who may obtain injunctive relief and recover costs, attorney fees and penalties. The civil penalty shall not exceed \$500 for a first violation, \$1000 for a second violation, and \$5000 for a third or subsequent violation.</p> <p>Statute(s) Created: 44-7701</p> <p>Court Impact: May result in new filings for injunctive relief and civil penalties against retailers for improper use of a customer's driver's license or ID information.</p>
<p>Chapter 210</p> <p><u>HB2726</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator</p>	<p>COMMUNICATION SERVICE RECORDS; UNAUTHORIZED USE Rep. Farnsworth</p> <p>Prohibits the procurement and sale of public utility records and communication service records through unauthorized, fraudulent or deceptive means, with certain exceptions. Prohibits the unauthorized use of personal information from a telephone record, public utility record or communication service record in a judicial, administrative, legislative or other proceeding, with certain exceptions.</p> <p>Statute(s) Impacted: 44-1376, 44-1376.01, 44-1376.02, 44-1376.04</p> <p>Court Impact: Violation is a class 1 misdemeanor under existing A.R.S. sec. 44-1376.05. A customer whose communication service records or public utility records are procured, sold or received in violation of the record requirements may pursue injunctive relief, damages, and attorney fees. Alters evidentiary standards pertaining to public utility, communication service, and telephone</p>

<p>Judge/Magistrate</p>	<p>records in court proceedings.</p>
<p>Chapter 221</p> <p><u>SB1546</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>CONDOMINIUM RECOVERY FUND Sen. Chevront</p> <p>Establishes a Condominium Recovery Fund, within the Department of Real Estate, to compensate buyers aggrieved by the failure of a subdivider to complete a condominium project. Allows the state real estate commissioner to petition the court for a proration proceeding and for the court to determine the distribution of fund awards among multiple claimants. Outlines procedures for a claimant whose application is denied by the real estate commissioner to file a verified application in court for an order directing payment from the Fund.</p> <p>Statute(s) Created: 32-2193.31, 32-2193.32, 32-2193.33, 32-2193.34, 32-2193.35, 32-2193.36, 32-2193.37, 32-2193.38, 32-2193.39, 32-2193.40, 32-2193.41, 32-2193.42, 32-2193.43</p> <p>Court Impact: The court may begin to receive for filing, petitions for a proration proceeding and applications for payment from the Condominium Recovery Fund.</p>
<p>Chapter 227</p> <p><u>SB1014</u></p> <p>Effective Date Emergency 05/24/07</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>UNAUTHORIZED USE; SOLDIER'S NAME; PICTURE Sen. Waring</p> <p>Establishes a right of publicity regarding the commercial use of a soldier's name, portrait or picture without consent and establishes a violation of that right as a Class 1 misdemeanor. Consent must be obtained from the soldier or soldier's spouse, immediate family member or trustee if the soldier is a minor; consent from a legally designated representative must be obtained if the person is using the name, portrait or picture for advertising goods, soliciting patronage or receiving consideration for the sale of merchandise. Allows any person injured by the unauthorized use of the name, portrait or picture of a deceased soldier to bring a civil action against the person who committed the violation. Provides some exemptions.</p> <p>Statute(s) Created: 12-761, 13-3726</p> <p>Court Impact: Establishes a new class 1 misdemeanor and civil liability. The civil remedy may include injunctive relief, treble damages, punitive or exemplary damages, attorney fees and costs.</p>
<p>Chapter 231</p> <p><u>SB1255</u></p>	<p>AMENDMENTS; LANDLORD TENANT ACT Sen. Leff</p>

<p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #e0ffe0; padding: 2px;"> </p> <p style="background-color: #e0e0e0; padding: 2px;"> </p>	<p>Authorizes a landlord to request and a tenant to provide and routinely update the name and contact information of a person authorized to enter the tenant's dwelling unit and to retrieve and store the property in the event the tenant dies. If contact cannot be made with within ten days of initial written contact, the landlord may dispose of the tenant's property in accordance with current law. Sets forth time frames in which the property must be removed. Provides immunity for the landlord. Permits a landlord during the term of tenancy to use any refundable security deposits or other deposits according to the terms of the property management agreement. Places the responsibility on the tenant to notify the landlord of any situation that requires the landlord to provide maintenance, make repairs or take other action to keep the premises fit. Makes other changes to the Landlord Tenant Act.</p> <p>Statute(s) Impacted: 33-1314, 33-1321, 33-1341, 33-1343</p> <p>Court Impact: Courts that handle landlord-tenant proceedings will need to be aware of the rights and obligations of all parties under the provisions of this bill.</p>
<p style="text-align: center;">Chapter 237</p> <p style="text-align: center;"><u>HB2758</u></p> <p style="text-align: center;">Effective Date (See Summary)</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Court Administrator</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #e0ffe0; padding: 2px;"> </p> <p style="background-color: #e0e0e0; padding: 2px;"> </p>	<p style="text-align: center;">JUSTICES OF THE PEACE; FUNDING Rep. Adams</p> <p>Beginning in FY 2007-08, reduces indigent care liability of a county with a population of more than 1.5 million or more by an amount equal to the amount of state reimbursement the county would have received for Justice of the Peace salaries. The county is in turn responsible for 100% of the salary and employee related expenses of a Justice of the Peace.</p> <p>Statute(s) Impacted: 11-292, 11-300, 12-262, 22-117, 22-201, 36-2928</p> <p>Court Impact: Limits the requirement for state contribution to JP salaries to those counties with a population of less than 1.5 million persons only. Counties with a population of 1.5 million or more will pay the entire cost of JP salaries. (Retroactive to July 1, 2007.) Clarifies the geographic jurisdiction of a justice court in a county with a population of more than 2 million persons to be for actions that occur in the "precinct in which the justice of the peace is elected' instead of where the court is located. (General Effective Date.)</p>
<p style="text-align: center;">Chapter 269</p> <p style="text-align: center;"><u>HB2136</u></p>	<p style="text-align: center;">CONTROLLED SUBSTANCES; MONITORING PROGRAM Rep. Stump</p>

<p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Creates a Controlled Substances Prescription Monitoring Program (CSPMP), provides civil immunity to entities that comply with the reporting requirements of the CSPMP, and establishes the following:</p> <ul style="list-style-type: none"> • Failure to report required information to the CSPMP as a Class 2 misdemeanor • Knowingly failing to report required information as a Class 1 misdemeanor • Knowingly reporting information to the Board that is known to be false or fraudulent as Class 6 felony • Knowingly disclosing information maintained by the Board pursuant to the provisions of the CSPMP for an illegitimate purpose as a Class 6 felony <p>Statute(s) Impacted: 32-1907, 36-2522, 36-2525</p> <p>Court Impact: Establishes new misdemeanor and felony violations. Courts may be asked to make a specific finding of malice or criminal intent against an entity in possession of information pursuant to the Controlled Substance Prescription Monitoring Program (CSPMP). The CSPMP will track the prescribing, dispensing, and consumption of controlled substances dispensed by a medical practitioner or pharmacy.</p>
<p style="text-align: center;">Chapter 278</p> <p style="text-align: center;"><u>HB2753</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p style="text-align: center;">VEHICLE IMPOUNDMENT AND IMMOBILIZATION Rep. Pearce</p> <p>In pertinent part, requires an impounding agency to allow access to the owner of a vehicle for the purpose of inspecting it for damage or to a representative of an ignition interlock device company seeking to remove the device. An agency is prohibited from charging a fee for the access. Failure to allow access is a Class 2 misdemeanor. An owner who does not inspect the vehicle prior to the removal of the device creates a rebuttable presumption that any damage to the vehicle did not occur while in possession of the impounding agency. Does not create a cause of action against an impounding agency for allowing access to a representative of an ignition interlock device company. An individual who violates an agreement to prevent an unlicensed driver from operating a vehicle or a lending entity who releases a vehicle to an owner in violation of statute is subject to a minimum civil penalty of \$250.</p> <p>Statute(s) Impacted: 28-3511, 28-3512, 28-3513, 28-3514, 28-3815, 41-1752</p> <p>Statute(s) Created: 28-4848</p>

Court Impact: Justice courts will need to be familiar with the changes to existing statutes, regarding the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege, in order to properly conduct an immobilization or poststorage hearing to determine the validity of the immobilization or storage.

Generalizes the existing, specific driver's license suspensions and revocations that will result in vehicle impoundment or immobilization to now simply include any driver's license suspension or revocation, for whatever reason; the driver cannot produce evidence of ever having a valid license or permit issued by another jurisdiction; failure to have a required ignition interlock device. Eliminates the exemption from vehicle impoundment for a minor driving a parent's or guardian's vehicle when the minor has consumed alcohol. Requires proof of a rental agreement, effective on the date of impoundment, if the owner is in the business of renting vehicles and is requesting release prior to the end of the 30-day impoundment period. Clarifies that the spouse or any other vehicle owner requesting vehicle release prior to the end of the 30-day impoundment period had to be listed on the Department of Transportation's (DOT) records as an owner at the time of impoundment. Provides that if a spouse or vehicle owner requests release of the vehicle before the end of the 30-day impoundment period and enters into an agreement with the impounding agency prohibiting operation of the released vehicle by an unlicensed driver, the spouse or other owner will be ineligible for early release of the vehicle if it is subsequently impounded within one year. Adds "a valid salvage or dismantle certificate" to the proof of ownership documents necessary for release of a vehicle. Requires proof of motor vehicle liability insurance as a condition of releasing the vehicle. Clarifies that an owner in the business of renting vehicles, a motor vehicle dealer, or a financial institution that requests the release of a vehicle must pay administrative charges to the impounding agency. Specifies that the person requesting release of the vehicle on behalf of a rental company or financial institution cannot be the person who was operating the vehicle at the time of impoundment.

States that a person to whom a vehicle has been released, other than an owner, identified in the DOT's records as having an interest in the vehicle, (e.g. a rental car company, motor vehicle dealer or financial institution) cannot return the impounded vehicle to the person who was operating the vehicle at the time of impoundment unless the vehicle owner or owner's agent presents a valid driver's license, current vehicle registration or

	<p>salvage or dismantle title and evidence of a motor vehicle liability policy. Violation constitutes a civil traffic violation, subject to a civil penalty of \$250.</p> <p>Establishes a new civil traffic violation, subject to a civil penalty of \$250, for a person who enters into an agreement with the impounding agency for early release of the vehicle who then allows a person to operate the vehicle in violation of the agreement.</p> <p>Alters the time from five working days to five business days within which a justice court must conduct a post storage hearing after receiving a hearing request. Limits the time to within ten days after the date on the notice of impoundment that a vehicle owner, spouse or other person may request a post storage hearing. Specifies that a person is entitled to only one post storage hearing with either the impounding agency or a justice court, but not both.</p> <p>Establishes a new class 2 misdemeanor for a towing company, storage yard, facility or person that has physical possession of a vehicle who refuses access or charges a fee during normal business hours to an ignition interlock device manufacturer or installer or a person who is listed as a lien holder on the DOT's records for the purpose of removing an interlock device from the vehicle or assessing the vehicle's condition.</p>
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<p>Chapter 279</p> <p><u>HB2779</u></p> <p>Effective Date (See Summary)</p>	<p>FAIR AND LEGAL EMPLOYMENT ACT Rep. Pearce</p>
<p>Item of Interest to:</p>	<p>Expands the provisions of the crime, Aggravated taking the identity of another person or entity, to include the act of knowingly committing identity theft with the intent to obtain employment. Decreases the number of stolen identities necessary to constitute the crime from five to three or more persons.</p>
<p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>Beginning January 1, 2008, employers are prohibited from intentionally (as defined in A.R.S. §13-105) employing an unauthorized alien or knowingly employing an unauthorized alien (as defined in 8 U.S.C. §1324a). Requires the Attorney General or appropriate county attorney to conduct an investigation upon receipt of a complaint that an employer allegedly intentionally or knowingly employs an unauthorized alien.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>Filing a frivolous complaint is a Class 3 misdemeanor.</p>
	<p>The investigating body must verify the work authorization of the alleged alien with the federal government and notify federal immigration and local law enforcement agencies of any unauthorized alien. Each county attorney is</p>

charged with bringing an action in superior court against an employer following an investigation or upon direction of the Attorney General. Requires the superior court to expedite any action, including assigning a hearing at the earliest possible date.

For a first violation of knowingly employing an unauthorized alien, the court must order the employer to terminate employment of all unauthorized aliens and direct the appropriate agencies to suspend any business licenses held by the employer unless a signed sworn affidavit is filed with the county attorney within three business days. The affidavit must state that the employer has terminated the employment of all unauthorized aliens and will not intentionally or knowingly employ an unauthorized alien. Upon filing of the affidavit, any suspended licenses are to be automatically reinstated unless otherwise directed by the court. The court may order the suspension of the licenses for a period not to exceed ten business days and must order the employer to be subject to a three-year probationary period. During this time, quarterly reports for each new hire must be filed with the county attorney for the location where the unauthorized alien performed work.

For a first violation of intentionally employing an unauthorized alien, requires the court to order the employer to terminate the employment of all unauthorized aliens and direct the appropriate agencies to suspend any licenses held by the employer necessary to conduct business until a signed sworn affidavit is filed with the county attorney. The court must order the suspension of the licenses for a minimum of ten business days and order the employer to be subject to a five-year probationary period. During this time, quarterly reports for each new hire must be filed with the county attorney for the location where the unauthorized alien performed work.

Enumerates factors the court must consider before determining the length of suspension of an employer's business licenses.

For a second violation of intentionally or knowingly employing an unauthorized alien during the respective probationary periods, the court must order the appropriate agencies to permanently revoke an employer's business licenses. Requires the Attorney General to keep copies of all court orders related to the knowing or intentional hiring of unauthorized aliens, make the orders available on the AG website and maintain a database of employers found to be in violation of a related court order.

Prohibits the court from considering anything other than

	<p>the federal government's determination in finding that the employee is an unauthorized alien. Restricts the court's determination of an individual as an unauthorized alien to that of the federal government's and allows the court to request verification of such from the federal government. The federal determination provides a rebuttable presumption as to an individual's lawful status.</p> <p>Statute(s) Created: 23-211, 23-212, 23-213, 23-214</p> <p>Statute(s) Amended: 13-2009</p> <p>Court Impact: Makes substantial changes to the license eligibility of employers in Arizona and verification of the employment eligibility of employees of which courts will need to be aware due to revocation requirements. The term "license" is defined broadly to include any agency permit, certificate, approval, registration, charter or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state. Also establishes a new class 3 misdemeanor. The AOC is working to identify any Rules and procedures that will need to be modified/created for implementation of this legislation.</p>
<p>Chapter 281</p> <p><u>SB1099</u></p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p></p> <p></p>	<p>REVISED UNIFORM ANATOMICAL GIFT ACT Sen. Allen</p> <p>Establishes a Class 6 felony for the act of intentionally falsifying, forging, concealing, defacing or obliterating the following:</p> <ul style="list-style-type: none"> • A document of anatomical gift • An amendment or revocation of anatomical gift • A refusal of anatomical gift <p>Statute(s) Impacted: 28-3006</p> <p>Statute(s) Created: 36-841 through 36-863</p> <p>Court Impact: Informational. Establishes a new class 6 felony for certain conduct in violation of the Revised Uniform Anatomical Gift Act.</p>
<p>Chapter 284</p> <p><u>SB1169</u></p> <p>Effective Date General</p>	<p>COUNTY RECORDERS; SOCIAL SECURITY NUMBERS Sen. Leff</p> <p>On or before January 1, 2009 requires the county recorder in a county with a population of 800,000 or more persons to redact references to the complete nine digit social security numbers on instruments available on the</p>

Item of interest to:	
Superior Court Clerk of Court Court Administrator Judge	county recorder's website. The recorder must also redact complete social security number references on all instruments recorded but not available on the website prior to January 1, 2009 before making the instruments available on the website.
Justice of the Peace Court Court Clerk Court Administrator Judge	In counties with a population of less than 800,000 persons redaction is upon request of the holder if the holder identifies the instrument. The recorder must also redact complete social security number references on all instruments recorded but not available on the website prior to January 1, 2009 before making the instruments available on the website.
	County recorders may use monies in the document storage and retrieval conversion and maintenance fund to effectuate law.
	Releases the county recorder from liability for errors or cases of identity theft resulting from any redaction. Prohibits a defendant's social security number from being placed on a final judgment of forcible entry and detainer and on a taxpayer refund check, voucher or credit documentation issued by the Department of Revenue.
	<p>Statute(s) Impacted: 11-461, 12-1178, 42-1118</p> <p>Court Impact: Courts will need to ensure that a forcible entry and detainer judgment does not contain the defendant's social security number.</p>

CIVIL TRAFFIC

Chapter 19

SB1015

Effective Date
General

Item of interest to:

[Color-coded selection bars: purple, yellow, green, grey]

LAW ENFORCEMENT, EMERGENCY DEPARTMENT COOPERATION
Sen. Waring

Authorizes a law enforcement officer who reasonably believes that a person may have committed a DUI, Extreme DUI or Aggravated DUI to request health care emergency department personnel to provide a copy of any written or electronic report of the person's Blood Alcohol Concentration.

Requires the officer to obtain permission from the emergency department director or the director's designee in order to speak with the personnel. Permission can not be refused, but may be delayed if taking the personnel away from patient care duties could cause patient harm. Emergency department personnel must comply with the request but are not required to determine probable cause on their own. Emergency room personnel are not liable for complying with the request unless acting with gross negligence.

Statute(s) Created: 28-1390

Court Impact: Informational.

Chapter 29

SB1076

Effective Date
General

Item of interest to:

[Color-coded selection bars: purple, yellow, green, grey]

PEDESTRIAN CONTROL SIGNALS
Sen. Linda Gray

Expands the definition of pedestrian control signals to include symbols indicating a walking person and an upraised hand.

Statute(s) Impacted: 28-646

Court Impact: Informational.

Chapter 32

SB1161

Effective Date
General

Item of interest to:

[Color-coded selection bars: purple, yellow, green, grey]

HOV LANES; MOTORCYCLES; BUSES
Sen. Tibshraeny

Permits motorcycles and public transportation vehicles, regardless of the number of passengers, to use a high occupancy vehicle lane.

Defines public transportation vehicle.

<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Statute(s) Impacted: 28-737</p> <p>Court Impact: Informational.</p>
<p>Chapter 131</p> <p><u>HB2750</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Court Clerk</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>JUSTICES OF THE PEACE; JURISDICTION Rep. Pearce</p> <p>Justice of the Peace Courts in a county with a population of more than two million have original jurisdiction over the following actions that occur within the precinct in which the Justice of the Peace is elected:</p> <ul style="list-style-type: none"> • Civil actions up to the statutory limit, • Small claims, • Civil traffic offenses unless filed by a municipal officer or agent or an officer employed by a law enforcement agency under contract to the municipality for law enforcement services, • Special detainers, • Forcible detainers ten thousand dollars or less, • Misdemeanors, unless filed by a municipal officer in municipal court or consolidated with a felony, <p>The Superior Court no longer may exercise concurrent jurisdiction with JP Courts over civil actions from \$5,000 to \$10,000.</p> <p>Statute(s) Impacted: 22-101, 22-201, 22-301</p> <p>Court Impact: May reduce the number of civil filings in Superior Court and increase the number of civil filings in Justice of the Peace Courts throughout the state. In Maricopa County, may reduce the number of civil and criminal filings in Superior and Municipal Courts and increase the number of civil and criminal filings in Justice of the Peace Courts.</p>
<p>Chapter 155</p> <p><u>SB1131</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court</p>	<p>TRAFFIC VIOLATIONS; STATUTE OF LIMITATIONS Sen. Chuck Gray</p> <p>Requires a civil traffic violation case to be commenced as follows:</p> <ul style="list-style-type: none"> • Within 60 days of an alleged violation if commenced by issuance of a citation, • Within 60 days of an alleged violation if commenced by filing of a citation and must be

<p>Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>served within 90 days from the filing date,</p> <ul style="list-style-type: none"> • Within one year of the alleged violation if the alleged violation is under investigation in conjunction with an accident resulting in death (180 days if the accident under investigation does not involve death). <p>Statute(s) Impacted: 28-1592</p> <p>Court Impact: Potential impact to photo enforcement programs due to time limitation for service.</p>
<p>Chapter 182</p> <p><u>HB2001</u></p> <p>Effective Date Delayed 01/01/2009</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>DEFENSIVE DRIVING SCHOOLS Rep. Jim Weiers</p> <p>Upon the expiration of all contracts that are in existence on July 1, 2007 between the court and a defensive driving school provider, an eligible individual who elects to attend a defensive driving school is permitted to attend any Supreme Court certified defensive driving school that complies with the court automation and reporting requirements. The renewal of any contract between a court and a defensive driving school after July 1, 2007 will be considered a new contract. Authorizes a court to adopt requirements for a school to electronically report school completions and transfer funds, subject to the approval of the Defensive Driving Board.</p> <p>Statute(s) Impacted: 28-3393</p> <p>Court Impact: Effective January 1, 2009, courts must allow eligible traffic violators to attend any supreme court certified Defensive Driving School. A court may require that a school electronically report school completions and electronically transfer funds, subject to the approval of the Defensive Driving Board. Any contract renewed by a court after July 1, 2007, is considered a new contract.</p>
<p>Chapter 185</p> <p><u>HB2226</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>TRAFFIC TICKETS; COLLECTIONS; CIVIL PENALTIES Rep. McClure</p> <p>Prohibits the court from initiating collection procedures on an unpaid civil penalty and subsequently notifying the Motor Vehicle Division to suspend a person's driving privileges or refuse to renew a vehicle registration for an unpaid civil traffic violation if all of the following apply:</p> <ul style="list-style-type: none"> • The unpaid civil penalty is for a civil traffic violation for which the final disposition occurs more than 36 months before the court initiates collection proceedings, • The court does not have a paper or electronic

Municipal Court
Court Clerk
Court Administrator
Judge/Magistrate

record dated within 36 months after the traffic violation occurs indicating that the responsible person was notified that the civil penalty is unpaid and due,

- The court has not notified MVD to suspend the responsible person's driver license or permit,
- The court has not notified the responsible person or the MVD about the court's request that MVD refuse to renew the responsible person's vehicle registration,
- The court does not have a record of extending the time for payment of the civil penalty or providing for installment payments.

The court must also notify MVD to remove a violation from the person's driving record if the court is prohibited from collecting fine monies or suspending the person's license for the reasons listed above. Note, however, if MVD was notified within 36 months, this statute would not be applicable. Requires the court to cease collection activities and notify MVD if an individual presents reasonable evidence that a civil penalty and other fees, fines or surcharges has been paid. MVD actions based upon the case in question must be rescinded.

Statute(s) Impacted: 28-1601

Court Impact: As long as at least one of the following actions has occurred, a court may initiate collection proceedings on an unpaid civil penalty:

1. The unpaid civil penalty is less than 36 months old,
2. The court has a paper or electronic record dated within 36 months of the violation indicating that the responsible person was notified that the civil penalty is due,
3. The court notified ADOT to suspend the responsible person's driver license,
4. The court notified either the responsible person or ADOT about the court's request that the person's vehicle registration not be renewed, or
5. The court has a record of extending the time for payment of the civil penalty or providing for installment payments.

Chapter 206

HB2033

Effective Date
Delayed
07/01/2008

TEENAGE DRIVER SAFETY ACT
Rep. McComish

Expands the restrictions of the Class G driver license to prohibit a licensee from driving between midnight and 5 A.M. during the first six months of licensure unless accompanied by a parent or legal guardian or driving to or from listed locations or events. Restricts the licensee from

<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>driving with more than one passenger under the age of 18 unless the passengers are the driver's siblings or the driver is accompanied by a parent or legal guardian. Assesses the following:</p> <ul style="list-style-type: none"> • For a first violation, a maximum \$75 civil penalty and extension of the restrictions for 30 days • For a second violation, a maximum \$100 civil penalty and an extension of the restrictions for 60 days • For a third or subsequent violation, a maximum civil penalty of \$100 and suspension of the individual's driver license for 30 days. <p>Requires the court to dismiss a citation for violation of any restriction if a notarized letter from a parent or legal guardian is submitted as proof that a licensee was en route to or from a permitted event or that the minors in the vehicle were the siblings of the licensee or from an employer, school or religious official stating the licensee was returning from a permitted event in order for a citation to be dismissed.</p> <p>Applies to permits and licenses issued after June 30, 2008.</p> <p>Statute(s) Impacted: 28-3153, 28-3154, 28-3156, 28-3174, 28-3321</p> <p>Court Impact: Courts that handle driver's license violations involving teenagers should review this bill for detailed requirements and impact.</p>
<p>Chapter 237</p> <p>HB2758</p> <p>Effective Date (See Summary)</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>JUSTICES OF THE PEACE; FUNDING Rep. Adams</p> <p>Beginning in FY 2007-08, reduces indigent care liability of a county with a population of more than 1.5 million or more by an amount equal to the amount of state reimbursement the county would have received for Justice of the Peace salaries. The county is in turn responsible for 100% of the salary and employee related expenses of a Justice of the Peace.</p> <p>Statute(s) Impacted: 11-292, 11-300, 12-262, 22-117, 22-201, 36-2928</p> <p>Court Impact: Limits the requirement for state contribution to JP salaries to those counties with a population of less than 1.5 million persons only. Counties with a population of 1.5 million or more will pay the entire cost of JP salaries. (Retroactive to July 1, 2007.) Clarifies the geographic jurisdiction of a justice court in a county with a population of more than 2 million persons to be for</p>

	<p>actions that occur in the "precinct in which the justice of the peace is elected" instead of where the court is located. (General Effective Date.)</p>
<p>Chapter 261</p> <p><u>HB2787</u></p> <p>Effective Date General</p>	<p>BUDGET RECONCILIATION; CRIMINAL JUSTICE Rep. McComish, Sen. Burns</p> <p>In pertinent part, requires a county to pay 61.5% of the compensation of a justice of the peace, including ERE, except that the county must pay the full amount of the employee's contribution to ASRS or any county health plan.</p>
<p>Item of interest to:</p>	
<p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>Effective January 1, 2008, law enforcement is required to secure a sample for DNA testing from any person arrested for certain enumerated offenses. If a judicial officer releases a person charged with any of the offenses on the person's own recognizance or on bail, the judicial officer must order the person to report within five days to law enforcement to provide a sample for DNA testing purposes.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>Requires the court to revoke the person's release if a sample is not provided within five days.</p>
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Permits a person who provides a sample under this law to petition the court to order the person's DNA profile and sample to be expunged from the Arizona DNA Identification System provided criminal charges are not filed within the appropriate period of time or are dismissed, or if the person is acquitted at trial. There is an exception preventing the person from being eligible to petition the court if arrested or charged with another offense that would require DNA testing or if convicted of another offense that requires DNA testing. Removes the provision permitting a person convicted of a felony designated as a misdemeanor to petition the court for the removal of the DNA profile.</p>
<p>Administrative Office of the Courts</p>	<p>Increases the surcharge collected for deposit into the Arizona DNA Identification System Fund from 3% to 7% until December 31, 2011, at which point the surcharge is decreased to 6%.</p>
	<p>Statute(s) Impacted: 12-116.01, 13-610, 13-2314.01, 13-3967, 38-886.01, 41-191.09</p> <p>Court Impact: Bail/bond amounts, bond cards, surcharge schedules, and local court enhancement fees will need to be modified to reflect the surcharge change. A judicial officer who releases a person charged with certain enumerated offenses on bail or on the person's own recognizance must order the person to report for DNA testing within 5 days. Courts must revoke the release of a person who does not comply. Courts may begin to see</p>

<p>Chapter 278</p> <p><u>HB2753</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>petitions for the expungement of DNA results filed.</p> <p>VEHICLE IMPOUNDMENT AND IMMOBILIZATION Rep. Pearce</p> <p>In pertinent part, requires an impounding agency to allow access to the owner of a vehicle for the purpose of inspecting it for damage or to a representative of an ignition interlock device company seeking to remove the device. An agency is prohibited from charging a fee for the access. Failure to allow access is a Class 2 misdemeanor. An owner who does not inspect the vehicle prior to the removal of the device creates a rebuttable presumption that any damage to the vehicle did not occur while in possession of the impounding agency. Does not create a cause of action against an impounding agency for allowing access to a representative of an ignition interlock device company. An individual who violates an agreement to prevent an unlicensed driver from operating a vehicle or a lending entity who releases a vehicle to an owner in violation of statute is subject to a minimum civil penalty of \$250.</p> <p>Statute(s) Impacted: 28-3511, 28-3512, 28-3513, 28-3514, 28-3815, 41-1752</p> <p>Statute(s) Created: 28-4848</p> <p>Court Impact: Justice courts will need to be familiar with the changes to existing statutes, regarding the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege, in order to properly conduct an immobilization or poststorage hearing to determine the validity of the immobilization or storage.</p> <p>Generalizes the existing, specific driver's license suspensions and revocations that will result in vehicle impoundment or immobilization to now simply include any driver's license suspension or revocation, for whatever reason; the driver cannot produce evidence of ever having a valid license or permit issued by another jurisdiction; failure to have a required ignition interlock device. Eliminates the exemption from vehicle impoundment for a minor driving a parent's or guardian's vehicle when the minor has consumed alcohol. Requires proof of a rental agreement, effective on the date of impoundment, if the owner is in the business of renting vehicles and is requesting release prior to the end of the 30-day impoundment period. Clarifies that the spouse or any other vehicle owner requesting vehicle release prior to the end of the 30-day impoundment period had to be listed on the Department of Transportation's (DOT) records as an owner at the time of impoundment. Provides that if a</p>
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spouse or vehicle owner requests release of the vehicle before the end of the 30-day impoundment period and enters into an agreement with the impounding agency prohibiting operation of the released vehicle by an unlicensed driver, the spouse or other owner will be ineligible for early release of the vehicle if it is subsequently impounded within one year. Adds "a valid salvage or dismantle certificate" to the proof of ownership documents necessary for release of a vehicle. Requires proof of motor vehicle liability insurance as a condition of releasing the vehicle. Clarifies that an owner in the business of renting vehicles, a motor vehicle dealer, or a financial institution that requests the release of a vehicle must pay administrative charges to the impounding agency. Specifies that the person requesting release of the vehicle on behalf of a rental company or financial institution cannot be the person who was operating the vehicle at the time of impoundment.

States that a person to whom a vehicle has been released, other than an owner, identified in the DOT's records as having an interest in the vehicle, (e.g. a rental car company, motor vehicle dealer or financial institution) cannot return the impounded vehicle to the person who was operating the vehicle at the time of impoundment unless the vehicle owner or owner's agent presents a valid driver's license, current vehicle registration or salvage or dismantle title and evidence of a motor vehicle liability policy. Violation constitutes a civil traffic violation, subject to a civil penalty of \$250.

Establishes a new civil traffic violation, subject to a civil penalty of \$250, for a person who enters into an agreement with the impounding agency for early release of the vehicle who then allows a person to operate the vehicle in violation of the agreement.

Alters the time from five working days to five business days within which a justice court must conduct a post storage hearing after receiving a hearing request. Limits the time to within ten days after the date on the notice of impoundment that a vehicle owner, spouse or other person may request a post storage hearing. Specifies that a person is entitled to only one post storage hearing with either the impounding agency or a justice court, but not both.

Establishes a new class 2 misdemeanor for a towing company, storage yard, facility or person that has physical possession of a vehicle who refuses access or charges a fee during normal business hours to an ignition interlock device manufacturer or installer or a person who is listed as a lien holder on the DOT's records for the purpose of

	removing an interlock device from the vehicle or assessing the vehicle's condition.
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COURT ADMINISTRATION

<p>Chapter 79</p> <p><u>HB2457</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator Judge</p> <p></p> <p></p> <p></p>	<p>FIREARMS; PEACE OFFICERS Rep. Pearce</p> <p>Restricts this state, a county, city, town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with the Arizona Police Officer Training and Standards Board firearm requirements. A number of exceptions are made, including a prohibition by order of the presiding judge or justice on carrying firearms while attending any court, unless the peace officer is providing security or responding to an emergency. Does not create a civil liability for acting or failing to act.</p> <p>Statute(s) Created: 38-1102</p> <p>Court Impact: A court that wishes to prohibit a peace officer from carrying a firearm into court should issue an administrative order using the language of this bill. A peace officer may be prohibited from carrying a firearm by order of a judge when attending any court, except if the peace officer is providing security or responding to an emergency, and under certain other specific conditions.</p>
<p>Chapter 97</p> <p><u>SB1100</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Jury Commissioner/Manager</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge Jury Commissioner/Manager</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate Jury Commissioner</p>	<p>REGISTERED NURSE PRACTITIONERS; AUTHORITY Sen. Allen</p> <p>In pertinent part, expands the list of eligible persons who may provide the court with a medical statement excusing an individual from jury duty to include a registered nurse practitioner licensed pursuant to Title 32, Chapter 15.</p> <p>Statute(s) Impacted: 21-202</p> <p>Court Impact: Courts must now accept a juror medical excuse statement signed by a registered nurse practitioner (in addition to a physician). The existing medical excuse form (prepared by the AOC) will be revised to reflect this change. The form must be added to the Board of Nursing website (in addition to the Arizona Medical Board as currently).</p>

<p>Administrative Office of the Courts</p>	
<p>Chapter 118</p> <p><u>HB2209</u></p> <p>Effective Date General</p>	<p>LAW ENFORCEMENT OFFICERS; MISCONDUCT INTERVIEWS Rep. Adams</p>
<p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Court Administrator Judge</p> <p>Justice of the Peace Court Court Administrator Judge</p> <p>Municipal Court Court Administrator Judge/Magistrate</p>	<p>Prior to a misconduct interview that a law enforcement or probation department believes may result in dismissal, demotion or suspension of an officer, the employer must provide written notice informing the officer of the specific nature of the investigation, the officer's status in the investigation, any known allegations of misconduct that are the reason for the interview and the officer's right to have a representative at the interview. The employer is not required to stop an interview and issue another notice for allegations based on information provided by the employee during an interview or to disclose any fact that would impede the investigation.</p> <p>Statute(s) Impacted: 38-1101</p> <p>Court Impact: Courts that hire probation officers will need to abide by these requirements with regard to misconduct interviews.</p>
<p>Chapter 131</p> <p><u>HB2750</u></p> <p>Effective Date General</p>	<p>JUSTICES OF THE PEACE; JURISDICTION Rep. Pearce</p>
<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Court Clerk</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Justice of the Peace Courts in a county with a population of more than two million have original jurisdiction over the following actions that occur within the precinct in which the Justice of the Peace is elected:</p> <ul style="list-style-type: none"> • Civil actions up to the statutory limit, • Small claims, • Civil traffic offenses unless filed by a municipal officer or agent or an officer employed by a law enforcement agency under contract to the municipality for law enforcement services, • Special detainers, • Forcible detainers ten thousand dollars or less, • Misdemeanors, unless filed by a municipal officer in municipal court or consolidated with a felony, <p>The Superior Court no longer may exercise concurrent jurisdiction with JP Courts over civil actions from \$5,000 to \$10,000.</p> <p>Statute(s) Impacted: 22-101, 22-201, 22-301</p>
	<p>Court Impact: May reduce the number of civil filings in Superior Court and increase the number of civil filings in Justice of the Peace Courts throughout the state. In</p>

	<p>Maricopa County, may reduce the number of civil and criminal filings in Superior and Municipal Courts and increase the number of civil and criminal filings in Justice of the Peace Courts.</p>
<p>Chapter 141</p> <p>SB1006</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Judge</p> <p>Municipal Court Judge/Magistrate</p>	<p>PUBLIC RECORDS; CONFIDENTIALITY Sen. Waring</p> <p>Adds probation officers, among others, to the list of persons who may request redaction of personal identifying information, such as home address and phone numbers, from records maintained by the county assessor, recorder or treasurer or by the state Department of Transportation. Probation officers were already included in the statutes under different language.</p> <p>Statute(s) Impacted: 11-483, 11-484, 16-153, 28-454, 39-123, 39-124</p> <p>Court Impact: Judges and commissioners now will be able to have their addresses and phone numbers in MVD records protected from public inspection. Will require the AOC to revise the mandatory affidavit forms filed by eligible parties with the presiding judge of their county of residence. The AOC is working with MVD to identify the information needed on the affidavit to be able to match names with records. The AOC also is working with MVD on developing one or more automated reporting options to enable clerks to transmit the necessary information electronically. However, since electronic reporting options may not be available for some time, a paper-based protocol is being developed. Presiding judges are likely to see a substantially greater number of these affidavits being filed.</p>
<p>Chapter 142</p> <p>SB1054</p> <p>Effective Date General</p> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p></p> <p></p> <p></p> <p></p>	<p>ARBITRATION; CLAIMS; COMPENSATION Sen. Huppenthal</p> <p>Increases the compulsory arbitration limit that is established by each county from \$50,000 to \$65,000. Increases the arbitrator's compensation, raising the maximum daily fee from \$75 to \$140. Lowers disincentive for a trial de novo from 25% to 23%.</p> <p>Statute(s) Impacted: 12-133</p> <p>Court Impact: The superior court may choose to modify court rule to reflect new arbitration amounts.</p>
<p>Chapter 143</p>	<p>CONSTABLE ETHICS STANDARDS AND TRAINING Sen. Verschoor</p>

<p style="text-align: center;"><u>SB1085</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator</p> <p>Justice of the Peace Court Court Administrator Judge</p>	<p>Establishes the Constable Ethics Standards and Training Board and the Constable Ethics Standards and Training Fund in place of the Constable Ethics Committee and related fund and transfers any remaining fund balance. Alters formula for computing certified mileage calculations for constables in a county with a population or more than three million persons. The clerk of those courts is to calculate the mileage as provided in statute.</p> <p>Statute(s) Impacted: 11-445, 22-131, 22-132, 22-136</p> <p>Statute(s) Created: 22-137, 22-138</p> <p>Court Impact: Maricopa County Justice Courts will need to adjust the amount of certified mileage calculations paid to constables as indicated.</p>
<p style="text-align: center;">Chapter 163</p> <p style="text-align: center;"><u>SB1331</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p style="text-align: center;">CRIMINAL JUSTICE COMMISSION; POWERS; DUTIES Sen. Chuck Gray</p> <p>Transfers administrative responsibilities related to maintaining the Criminal Justice Information System, including rule and policy-making authority, from the Arizona Criminal Justice Commission to the Department of Public Safety.</p> <p>Statute(s) Impacted: 41-2405</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 177</p> <p style="text-align: center;"><u>SB1639</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator</p> <p>Justice of the Peace Court</p>	<p style="text-align: center;">NOTARIES; CITIZENSHIP REQUIREMENT Sen. Johnson</p> <p>Requires a notary public to be a citizen or a legal permanent resident of the United States.</p> <p>Statute(s) Impacted: 41-312</p> <p>Court Impact: Informational.</p>

<p>Court Clerk Court Administrator</p> <p>Municipal Court Court Clerk Court Administrator</p>	
<p>Chapter 182</p> <p><u>HB2001</u></p> <p>Effective Date Delayed 01/01/2009</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>DEFENSIVE DRIVING SCHOOLS Rep. Jim Weiers</p> <p>Upon the expiration of all contracts that are in existence on July 1, 2007 between the court and a defensive driving school provider, an eligible individual who elects to attend a defensive driving school is permitted to attend any Supreme Court certified defensive driving school that complies with the court automation and reporting requirements The renewal of any contract between a court and a defensive driving school after July 1, 2007 will be considered a new contract. Authorizes a court to adopt requirements for a school to electronically report school completions and transfer funds, subject to the approval of the Defensive Driving Board.</p> <p>Statute(s) Impacted: 28-3393</p> <p>Court Impact: Effective January 1, 2009, courts must allow eligible traffic violators to attend any supreme court certified Defensive Driving School. A court may require that a school electronically report school completions and electronically transfer funds, subject to the approval of the Defensive Driving Board. Any contract renewed by a court after July 1, 2007, is considered a new contract.</p>
<p>Chapter 185</p> <p><u>HB2226</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>TRAFFIC TICKETS; COLLECTIONS; CIVIL PENALTIES Rep. McClure</p> <p>Prohibits the court from initiating collection procedures on an unpaid civil penalty and subsequently notifying the Motor Vehicle Division to suspend a person's driving privileges or refuse to renew a vehicle registration for an unpaid civil traffic violation if all of the following apply:</p> <ul style="list-style-type: none"> • The unpaid civil penalty is for a civil traffic violation for which the final disposition occurs more than 36 months before the court initiates collection proceedings, • The court does not have a paper or electronic record dated within 36 months after the traffic violation occurs indicating that the responsible person was notified that the civil penalty is unpaid and due, • The court has not notified MVD to suspend the responsible person's driver license or permit,

	<ul style="list-style-type: none"> • The court has not notified the responsible person or the MVD about the court's request that MVD refuse to renew the responsible person's vehicle registration, • The court does not have a record of extending the time for payment of the civil penalty or providing for installment payments. <p>The court must also notify MVD to remove a violation from the person's driving record if the court is prohibited from collecting fine monies or suspending the person's license for the reasons listed above. Note, however, if MVD was notified within 36 months, this statute would not be applicable. Requires the court to cease collection activities and notify MVD if an individual presents reasonable evidence that a civil penalty and other fees, fines or surcharges has been paid. MVD actions based upon the case in question must be rescinded.</p> <p>Statute(s) Impacted: 28-1601</p> <p>Court Impact: As long as at least one of the following actions has occurred, a court may initiate collection proceedings on an unpaid civil penalty:</p> <ol style="list-style-type: none"> 1. The unpaid civil penalty is less than 36 months old, 2. The court has a paper or electronic record dated within 36 months of the violation indicating that the responsible person was notified that the civil penalty is due, 3. The court notified ADOT to suspend the responsible person's driver license, 4. The court notified either the responsible person or ADOT about the court's request that the person's vehicle registration not be renewed, or 5. The court has a record of extending the time for payment of the civil penalty or providing for installment payments.
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<p>Chapter 192</p> <p><u>SB1167</u></p> <p>Effective Date (See Summary)</p>	<p>CRIMINAL CASE INFORMATION; DISCLOSURE Sen. Chuck Gray</p>
<p>Item of interest to:</p>	<p>Requires the clerk of the superior court, on or after January 1, 2008, in counties with a population of two million or more persons, to electronically publish all criminal case minute entries, which must be arranged or searchable by case name, number, and the name of the judge or commissioner. Beginning January 1, 2010, the clerk of a superior court in a county with a population of less than two million persons must begin compiling and electronically publishing all superior court case minute entries, which shall be arranged and searchable at a</p>
<p>Superior Court Clerk of Court Court Administrator Judge</p>	

	<p>minimum by case name, number and the name of the judge or commissioner.</p> <p>Statute(s) Impacted: 12-283</p> <p>Court Impact: The clerks of the court must post criminal case minute entries, online, by the stated dates.</p>
<p>Chapter 199</p> <p><u>SB1434</u></p> <p>Effective Date Delayed 01/01/2008</p>	<p>JURY; COMMISSIONER DUTIES; JUROR SELECTION Sen. Chuck Gray</p> <p>Jurors must be summoned countywide unless an alternative plan is adopted. Courts wanting to adopt an alternative plan must submit a summoning plan to the Supreme Court or the presiding judge of the county for approval. Alternate procedures for summoning jurors to superior courts with multiple court locations may include dividing counties into jury districts or using a countywide method that minimizes the distance a prospective juror must travel. All summoning plans must pass constitutional muster. The plan must also provide for a summoning of jurors from a fair cross-section of the community. Requires a judge or jury commissioner to notify a prospective juror if the juror has been permanently excused from jury duty. Makes a number of changes to the procedure for summoning and selecting jurors to maintain pace with current practices and technologies.</p> <p>Statute(s) Impacted: 9-823, 12-1176, 21-131, 21-201, 21-202, 21-223, 21-313, 21-314, 21-315, 21-331, 21-332, 21-334, 21-336.01, 21-402, 21-404, 21-406, 21-417, 21-423, 21-428, 22-320</p> <p>Statute(s) Created: 21-101, 21-132, 21-301, 21-302, 21-311, 21-312, 21-404</p> <p>Statute(s) Repealed: 21-101, 21-311, 21-312, 21-316, 21-317, 21-318, 22-426</p> <p>Court Impact: Makes substantial changes to jury management procedures, bringing statute in line with modern practices, including the use of jury management software. Jury commissioners and jury personnel at all court levels will need to be aware of the revised statutory requirements and responsibilities in the area of jury management.</p>
<p>Item of interest to:</p>	
<p>Superior Court Clerk of Court Court Administrator Judge Jury Commissioner/Manager</p>	
<p>Justice of the Peace Court Court Clerk Court Administrator Judge Jury Commissioner/Manager</p>	
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate Jury Commissioner</p>	
<p>Chapter 204</p> <p><u>HB2756</u></p> <p>Effective Date General</p>	<p>VICTIMS' RIGHTS; FREE POLICE REPORTS Rep. Garcia</p> <p>Requires a law enforcement officer in the initial victim rights contact to notify a victim of the right to a free copy of the police report, if the investigation is for a Part 1</p>

<p>Item of interest to:</p> <p>Superior Court Court Administrator Court Clerk</p> <p>Justice of the Peace Court Court Administrator Judge</p> <p>Municipal Court Court Administrator Judge/Magistrate</p>	<p>offense.</p> <p>An employer, who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of that employer, must allow an employee who is a victim of a crime to leave work to obtain an order of protection, injunction against harassment or other injunctive relief.</p> <p>Statute(s) Impacted: 13-4405, 13-4439</p> <p>Court Impact: Adds "a court order the employee is subject to or any other proper documentation" to the list of documents the employee must provide the employer before the employee may leave work. Prohibits the employer from denying any privileges of employment because an individual exercises the right to leave work under the provisions of the statute (A.R.S. sec. 13-4439(A)). Courts (as employers) must follow the requirements of this bill with regard to an employee who is a victim of a crime.</p>
<p>Chapter 237</p> <p>HB2758</p> <p>Effective Date (See Summary)</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>JUSTICES OF THE PEACE; FUNDING Rep. Adams</p> <p>Beginning in FY 2007-08, reduces indigent care liability of a county with a population of more than 1.5 million or more by an amount equal to the amount of state reimbursement the county would have received for Justice of the Peace salaries. The county is in turn responsible for 100% of the salary and employee related expenses of a Justice of the Peace.</p> <p>Statute(s) Impacted: 11-292, 11-300, 12-262, 22-117, 22-201, 36-2928</p> <p>Court Impact: Limits the requirement for state contribution to JP salaries to those counties with a population of less than 1.5 million persons only. Counties with a population of 1.5 million or more will pay the entire cost of JP salaries. (Retroactive to July 1, 2007.) Clarifies the geographic jurisdiction of a justice court in a county with a population of more than 2 million persons to be for actions that occur in the "precinct in which the justice of the peace is elected" instead of where the court is located. (General Effective Date.)</p>
<p>Chapter 261</p> <p>HB2787</p> <p>Effective Date General</p>	<p>BUDGET RECONCILIATION; CRIMINAL JUSTICE Rep. McComish, Sen. Burns</p> <p>In pertinent part, requires a county to pay 61.5% of the compensation of a justice of the peace, including ERE, except that the county must pay the full amount of the employee's contribution to ASRS or any county health</p>

<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>plan.</p> <p>Effective January 1, 2008, law enforcement is required to secure a sample for DNA testing from any person arrested for certain enumerated offenses. If a judicial officer releases a person charged with any of the offenses on the person's own recognizance or on bail, the judicial officer must order the person to report within five days to law enforcement to provide a sample for DNA testing purposes.</p> <p>Requires the court to revoke the person's release if a sample is not provided within five days.</p> <p>Permits a person who provides a sample under this law to petition the court to order the person's DNA profile and sample to be expunged from the Arizona DNA Identification System provided criminal charges are not filed within the appropriate period of time or are dismissed, or if the person is acquitted at trial. There is an exception preventing the person from being eligible to petition the court if arrested or charged with another offense that would require DNA testing or if convicted of another offense that requires DNA testing. Removes the provision permitting a person convicted of a felony designated as a misdemeanor to petition the court for the removal of the DNA profile.</p> <p>Increases the surcharge collected for deposit into the Arizona DNA Identification System Fund from 3% to 7% until December 31, 2011, at which point the surcharge is decreased to 6%.</p> <p>Statute(s) Impacted: 12-116.01, 13-610, 13-2314.01, 13-3967, 38-886.01, 41-191.09</p> <p>Court Impact: Bail/bond amounts, bond cards, surcharge schedules, and local court enhancement fees will need to be modified to reflect the surcharge change. A judicial officer who releases a person charged with certain enumerated offenses on bail or on the person's own recognizance must order the person to report for DNA testing within 5 days. Courts must revoke the release of a person who does not comply. Courts may begin to see petitions for the expungement of DNA results filed.</p>
<p>Chapter 290</p> <p><u>SB1286</u></p> <p>Effective Date (see Summary)</p>	<p>VICTIMS' RIGHTS OMNIBUS Sen. Chuck Gray</p> <p>Requires adult probation officers to monitor the payment of restitution.</p>

<p>Item of interest to:</p>	<p>Requires the clerk of the court to provide the prosecutor and court a monthly report listing defendants who are in default of restitution. Failure to pay restitution subjects a defendant to an order to show cause re: contempt.</p>
<p>Superior Court Chief Probation Officer Clerk of Court Court Administrator Judge</p>	<p>Probation may be extended five years for a felony and two years for a misdemeanor if restitution is still outstanding.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>Effective January 1, 2008, modifies the warning on an ex parte Order of Protection to state that the defendant will be subject to arrest and prosecuted for Interference with judicial proceedings and any other crime if the order is violated.</p>
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Requires the agency with custody of the defendant to notify the victim and other designated persons, if known, on an Order of Protection if the defendant is released after being arrested for an IJP.</p>
<p>Administrative Office of the Courts</p>	<p>The prosecutor's office must provide a victim with notice of any continuance.</p>
	<p>Effective December 1, 2007, a victim who requests notice of post-conviction or appellate proceedings shall receive immediate notice from the prosecutor of proceedings and any decisions that arise. A victim or victim's counsel who requests notice must receive a copy of the memorandum decision or opinion from the Supreme Court or the Court of Appeals concurrently with the parties.</p> <p>Prohibits any victim contact or identifying information from becoming publicly accessible and requires victim contact information be redacted from a police report by the originating agency. This provision does not apply to: a victim's name, records transmitted between law enforcement, prosecutors and the court, records which the victim consented to release or the address or location at which the crime occurred.</p> <p>Requires the court or clerk of the court to provide at no charge to a victim the minute entry or portion of the record arising out of the offense committed against the victim if reasonably necessary for the purpose of representation regarding a claimed victim's right.</p> <p>Requires the prosecutor to make reasonable efforts to notify a victim of any request for a continuance. Requires the court, if the request for continuance is in writing and the victim is represented by counsel who files a notice of appearance, to make reasonable efforts to notify the victim's counsel of the request in the same manner as a</p>

	<p>party is notified. A continuance may only be granted if there are extraordinary circumstances and the delay is indispensable to the interests of justice and only for so long as is in the interest of justice. The reason for the continuance must be stated on the record. Does not apply to municipal and justice of the peace court, however, the intent is that the extraordinary circumstances and interest of justice provisions apply to all courts.</p> <p>Statute(s) Impacted: 12-253, 13-810, 13-812, 13-902, 13-3602, 13-4409, 13-4411, 13-4430, 13-4434, 13-4435, 39-127</p> <p>Court Impact: Clerks of the court, trial courts, appellate courts, and probation will need to modify business practices to fulfill the requirements of this bill, as stated. Continues the courts' ability to issue a summons or warrant for a defendant's appearance to show cause why payment of restitution has not been made. (Can be done on motion from prosecutor, any person entitled to restitution, or on the court's own motion.)</p> <p>Maintains the courts' ability to order garnishment for restitution. Directs the court to consider the victim's views and the victim's right to a speedy trial before ruling on a motion to continue. Requires general jurisdiction courts only to send notice of continuance (if the request for continuance is submitted in writing) to victims represented by counsel (who have filed a notice of appearance), as they would with other parties.</p>
<p>Chapter 296</p> <p><u>SB1640</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>FOREIGN MOTOR CARRIERS Sen. Verschoor</p> <p>In pertinent part, expands the jurisdiction of municipal and justice courts to include concurrent jurisdiction over all misdemeanor traffic violations listed in Title 28, Chapters 5,11,14, and 15 and Class 2 and 3 misdemeanor violations in Chapter 25.</p> <p>Statute(s) Impacted: 28-1552, 28-6355</p> <p>Statute(s) Created: 28-5244</p> <p>Court Impact: Places the following restrictions on motor carriers, all of which can constitute a class 1 or 2 misdemeanor or class 6 felony, under existing A.R.S. sec. 28-5240 (depending on the number of previous offenses): prohibits foreign motor carriers from operating in Arizona without a certificate of registration in the vehicle or refusing to show the certificate to a peace officer or an employee of the Department of Transportation; prohibits foreign carriers from operating outside the restrictions in</p>

the registration certificate; prohibits foreign carriers from providing point to point transportation services for any goods other than international goods; requires foreign carrier vehicles to be inspected by a commercial vehicle safety alliance certified inspector every three months; requires foreign carrier vehicles to display a safety inspection decal for at least three years after receiving permanent operating authority; prohibits interstate carriers from operating without or outside the bounds of a registration certificate.

Expands the jurisdiction of municipal and justice courts to include the following misdemeanor criminal violations in Title 28:

1. failing to notify the Motor Vehicle Department of a name or address change
2. injuring or preventing operation of a vehicle
3. committing a traffic violation while transporting hazardous material
4. directing or knowingly permitting an employee or driver to violate the law
5. illegally canceling a traffic citation
6. failing to stop or present identification when requested by a peace officer
7. failing to notify law enforcement of the previous location of a towed vehicle
8. failing to report that a vehicle is lost, stolen, abandoned, unclaimed or seized
9. failing to report that a vehicle is abandoned in a public garage or parking lot
10. refusing to permit inspection of a vehicle
11. violating motor carrier regulations
12. operating a motor carrier under an out-of-service order
13. operating an overweight vehicle
14. violating gross weight restrictions with regard to fees
15. dumping trash on highways or airports
16. constructing an unauthorized bridge or dam
17. failing to construct, maintain or repair a bridge as required by law
18. violating regulations pertaining to aircraft operations
19. failing to provide an affidavit of total loss of an aircraft to the Arizona Department of Transportation

Removes language that limits municipal and justice court jurisdiction to specific chapters in Title 28, thereby allowing courts to rule on violations in the entire title.

CRIMINAL

<p style="text-align: center;">Chapter 20</p> <p style="text-align: center;"><u>SB1020</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p style="background-color: #e6e6fa; padding: 2px;">Superior Court Court Administrator Judge</p> <p style="background-color: #ffffcc; padding: 2px;"> </p> <p style="background-color: #ccffcc; padding: 2px;"> </p> <p style="background-color: #d3d3d3; padding: 2px;"> </p>	<p style="text-align: center;">SERIOUS OFFENSES; CONSECUTIVE SENTENCING Sen. Waring</p> <p>Requires a consecutive sentence if convicted of a felony committed while under the jurisdiction of the Department of Corrections.</p> <p>Statute(s) Impacted: 13-708</p> <p>Court Impact: The court must impose consecutive sentences under the circumstances stated.</p>
<p style="text-align: center;">Chapter 24</p> <p style="text-align: center;"><u>SB1043</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p style="background-color: #e6e6fa; padding: 2px;"> </p> <p style="background-color: #ffffcc; padding: 2px;"> </p> <p style="background-color: #ccffcc; padding: 2px;"> </p> <p style="background-color: #d3d3d3; padding: 2px;"> </p>	<p style="text-align: center;">THEFT; MEANS OF TRANSPORTATION; AFFIDAVIT Sen. Chuck Gray</p> <p>Requires a person reporting a vehicle theft, excluding joyriding, to sign an affidavit provided by law enforcement attesting to the theft. The affidavit must be signed in person if an officer comes to take the report or be signed, notarized and mailed within seven days if the report is not taken in person. Removes the stolen vehicle information from the databases of the National Crime Information Center and the Arizona Criminal Justice Information System if the signed affidavit is not received by the appropriate law enforcement agency within 30 days. The affidavit must indicate that a person who falsely reports vehicle theft may be subject to criminal prosecution.</p> <p>Statute(s) Impacted: 13-1814</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 39</p> <p style="text-align: center;"><u>HB2052</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p style="background-color: #e6e6fa; padding: 2px;">Superior Court Clerk of Court Court Administrator</p>	<p style="text-align: center;">VEHICLE USE; CAUSING DEATH; INJURY Rep. Biggs</p> <p>Blends the two versions of A.R.S. §28-672 enacted last year. Adds A.R.S. §28-857 (A) to the predicate offenses in A.R.S. §28-672.</p> <p>Repeals the prior version of §28-672 and sunset date. Adds A.R.S. §28-857 (A) to predicate offenses in A.R.S. §28-672, Causing serious physical injury or death by a moving violation; A.R.S. §STATUTE28-675, Causing death by use of a vehicle; and A.R.S.</p>

<p>Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>§28-676, Causing serious physical injury by use of a vehicle.</p> <p>Statute(s) Impacted: 28-672, 28-675, 28-676</p> <p>Court Impact: Alters the classification of failure to stop for a school bus, under certain circumstances.</p>
<p>Chapter 45</p> <p><u>HB2469</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>CONCEALED WEAPONS; PETTY OFFENSE Rep. Pearce</p> <p>Reclassifies the failure of a concealed weapon permit holder to present the permit when requested by a law enforcement officer as a petty offense.</p> <p>Statute(s) Impacted: 13-3112</p> <p>Court Impact: Informational.</p>
<p>Chapter 47</p> <p><u>SB1084</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>AGGRAVATED ASSAULT Sen. Chuck Gray</p> <p>Reorganizes A.R.S. § 13-1204, the Aggravated assault statute.</p> <p>Statute(s) Impacted: 13-1204</p> <p>Court Impact: Reorganizes A.R.S. sec. 13-1204 to clarify the conduct that constitutes aggravated assault and the corresponding penalties.</p>
<p>Chapter 49</p>	<p>APPELLATE PROCEEDINGS; VICTIM NOTIFICATION; CONTINUATION</p>

<p style="text-align: center;"><u>SB1126</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p style="background-color: #e6e6fa; height: 15px;"></p> <p style="background-color: #ffffcc; height: 15px;"></p> <p style="background-color: #c1e1c1; height: 15px;"></p> <p style="background-color: #d3d3d3; height: 15px;"></p>	<p style="text-align: center;">Sen. Chuck Gray</p> <p>Repeals Laws 2005, Chapter 260 to continue to allow a victim the right to respond to a request for an extension to file a brief in any appellate proceeding or post-conviction relief proceeding for a capital case.</p> <p>Statute(s) Impacted: 13-4042, 13-4234.01</p> <p>Court Impact: Continues a victim's right to respond to a request for an extension to file a brief in any appellate proceeding or post-conviction relief proceeding in a capital case.</p>
<p style="text-align: center;">Chapter 58</p> <p style="text-align: center;"><u>SB1424</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p style="background-color: #e6e6fa; padding: 2px;">Superior Court Clerk of Court Court Administrator Judge</p> <p style="background-color: #ffffcc; padding: 2px;">Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #c1e1c1; padding: 2px;">Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p style="background-color: #d3d3d3; height: 15px;"></p>	<p style="text-align: center;">AGGRAVATED DOMESTIC VIOLENCE Sen. Bee</p> <p>Increases the look-back period in which a third or subsequent domestic violence offense becomes an aggravated domestic violence offense from 60 months to 84 months, similar to the Aggravated DUI statute.</p> <p>Statute(s) Impacted: 13-3601.02</p> <p>Court Impact: May require modification of the written notice (required by A.R.S. sec. 13-3601(M)) or any supplemental oral notice provided to a defendant who is found guilty of a first or second domestic violence offense. May require modification of the Limited Jurisdiction Court Records Retention Schedule to require that courts retain domestic violence misdemeanor records for 7 years instead of the current 5 years.</p>
<p style="text-align: center;">Chapter 63</p> <p style="text-align: center;"><u>HB2088</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p style="background-color: #e6e6fa; height: 15px;"></p> <p style="background-color: #ffffcc; padding: 2px;">Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #c1e1c1; padding: 2px;">Municipal Court</p>	<p style="text-align: center;">BADGES; OFFICER PURCHASE; ILLEGAL USE Rep. Miranda</p> <p>Expands the offense of wearing a Department of Public Safety (DPS) badge without authority or impersonating a member of DPS with intent to deceive. Currently this violation applies only to wearing a badge or impersonating a member of the highway patrol. A violation of the offense is a Class 1 misdemeanor.</p> <p>Statute(s) Impacted: 41-1713, 41-1754</p> <p>Court Impact: Establishes wearing a DPS badge without authority or impersonating a member of DPS with intent to deceive as a class 1 misdemeanor.</p>

<p>Court Clerk Court Administrator Judge/Magistrate</p>	<p>Currently this violation applies only to wearing a badge or impersonating a member of the highway patrol.</p>
<p>Chapter 76</p> <p><u>HB2323</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>HAZARD DISCLOSURES; REPORTS Rep. Reagan</p> <p>Creates a new offense amorphously titled, Representation of legal requirement. It is unlawful for a third party provider offering a disclosure report pursuant to section A.R.S. § 33-423, having to do with the sale of real property to make certain enumerated representations in marketing materials, contracts or by any other means. A violation is a Class 1 misdemeanor.</p> <p>Statute(s) Created: 33-424</p> <p>Statute(s) Amended: 33-423</p> <p>Court Impact: Establishes new class 1 misdemeanors. Authorizes a civil action with prescribed damages and prosecution for misrepresentations regarding a real estate Hazard Disclosure Report. The violations stated above are subject to enforcement through private action in a court of competent jurisdiction and to prosecution by the attorney general or the appropriate county attorney. In addition to any other remedies provided by law, a provider found in violation of the marketing requirements is liable to the receiving party for damages (maximum \$2,000 per occurrence). The court must also award the prevailing party reasonable costs and attorney's fees.</p>
<p>Chapter 84</p> <p><u>HB2734</u></p> <p>Effective Date Delayed 01/01/2008</p> <p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Court Administrator Judge</p>	<p>SEX OFFENDERS; REGISTRATION; ELECTRONIC IDENTITY Rep. Robson</p> <p>Beginning January 1, 2008, requires a registered sex offender to provide the sheriff with any required online identifier (defined as any electronic email address information or instant message, chat, social networking or other similar internet communication name) and the name of any website or internet communication service that the offender uses or intends to use. The offender must confirm the identifier and the name of any website or internet communication service each year and before use of the identifier. The offender must also notify the sheriff in person or electronically, within 72 hours excluding weekends and legal holidays, of any changes to the identifier or to the name of any website or internet</p>

	<p>communication service, This information must be provided regardless of whether the offender was required to register the identifier or the name of any website or internet communication service at the offender's initial registration.</p> <p>Statute(s) Impacted: 13-3821, 13-3822, 13-3827</p> <p>Court Impact: Probation departments will need to continue to ensure that offenders on supervision register and now also will need to ensure that offenders provide any online identifier, website, and internet communication service. The bill has a delayed effective date; however the Department of Public Safety is to begin collection of online identifier information no later than ninety days after the bill is enacted. Penalties cannot be imposed until January 1, 2008, but the bill encourages sex offender registrants to submit current online identity information before that date.</p>
<p>Chapter 97</p> <p><u>SB1100</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Jury Commissioner/Manager</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge Jury Commissioner/Manager</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate Jury Commissioner</p> <p>Administrative Office of the Courts</p>	<p>REGISTERED NURSE PRACTITIONERS; AUTHORITY Sen. Allen</p> <p>In pertinent part, expands the list of eligible persons who may provide the court with a medical statement excusing an individual from jury duty to include a registered nurse practitioner licensed pursuant to Title 32, Chapter 15.</p> <p>Statute(s) Impacted: 21-202</p> <p>Court Impact: Courts must now accept a juror medical excuse statement signed by a registered nurse practitioner (in addition to a physician). The existing medical excuse form (prepared by the AOC) will be revised to reflect this change. The form must be added to the Board of Nursing website (in addition to the Arizona Medical Board as currently).</p>
<p>Chapter 99</p> <p><u>SB1203</u></p> <p>Effective Date General</p>	<p>VARIABLE GROUP CONTRACTS Sen. Gorman</p> <p>Creates the offense of selling or offering for sale a variable group insurance contract without being licensed by the Department of Insurance. A violation</p>

<p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>is a Class 2 misdemeanor.</p> <p>Statute(s) Impacted: 20-2631, 20-2661, 20-2662</p> <p>Court Impact: Establishes a new class 2 misdemeanor.</p>
<p>Chapter 111</p> <p>HB2077</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge</p>	<p>WRIT OF RESTITUTION; CRIMINAL TRESPASS Rep. Nelson</p> <p>If a person is found guilty of forcible entry or detainer, the court must notify the defendant that if the defendant is served with a writ of restitution and remains or returns unlawfully on or to the property, the defendant will have committed criminal trespassing in the third degree. Prohibits any reference to a defendant's social security number from being contained on a forcible entry and detainer judgment.</p> <p>Statute(s) Impacted: 12-1178</p> <p>Court Impact: Clarifies that conduct in disregard of a writ of restitution constitutes criminal trespass, a class 3 misdemeanor. Courts must give the defendant notice of this fact in forcible entry and detainer proceedings. Courts should include this notice on the judgment/minute entry. Courts shall ensure that the defendant's social security number is not contained on the judgment.</p>
<p>Chapter 131</p> <p>HB2750</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Court Clerk</p> <p>Justice of the Peace Court Court Clerk Court Administrator</p>	<p>JUSTICES OF THE PEACE; JURISDICTION Rep. Pearce</p> <p>Justice of the Peace Courts in a county with a population of more than two million have original jurisdiction over the following actions that occur within the precinct in which the Justice of the Peace is elected:</p> <ul style="list-style-type: none"> • Civil actions up to the statutory limit, • Small claims, • Civil traffic offenses unless filed by a municipal officer or agent or an officer employed by a law enforcement agency under contract to the municipality for law enforcement services, • Special detainers, • Forcible detainers ten thousand dollars or less,

<p>Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<ul style="list-style-type: none"> Misdemeanors, unless filed by a municipal officer in municipal court or consolidated with a felony, <p>The Superior Court no longer may exercise concurrent jurisdiction with JP Courts over civil actions from \$5,000 to \$10,000.</p> <p>Statute(s) Impacted: 22-101, 22-201, 22-301</p> <p>Court Impact: May reduce the number of civil filings in Superior Court and increase the number of civil filings in Justice of the Peace Courts throughout the state. In Maricopa County, may reduce the number of civil and criminal filings in Superior and Municipal Courts and increase the number of civil and criminal filings in Justice of the Peace Courts.</p>
<p>Chapter 134</p> <p><u>SB1130</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Court Clerk</p>	<p>COMPETENCY REPORTS; DISCLOSURE Sen. Chuck Gray</p> <p>Permits a court to grant access to sealed adult or juvenile competency reports to the Department of Corrections for the purposes of assessment and supervision/monitoring if the individual is in the custody of or is scheduled to be transferred into the custody of the Department.</p> <p>Statute(s) Impacted: 8-291.06, 13-4508</p> <p>Court Impact: Expands the courts' authority to grant access to sealed adult or juvenile competency reports beyond the probation department (currently) now to ADC.</p>
<p>Chapter 138</p> <p><u>SB1482</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>PSYCHIATRIC SECURITY REVIEW BOARD Sen. Waring</p> <p>Requires the court to sentence defendants found guilty except insane to the Department of Corrections to be placed under the jurisdiction of the Psychiatric Security Review Board and to be committed to a state mental health facility under the Department of Health Services. The court maintains jurisdictional authority over matters not governed by the Board for the duration of the sentence. If the Board finds that the person no longer needs ongoing treatment for a mental disease but is dangerous or likely to re-offend, the person shall be ordered to serve the remainder of the sentence in the Department of Corrections. Defendant retains the right to petition for an appeal for judicial determination within 20 days of the Board's</p>

	<p>decision. The scope of the hearing is limited to whether the person no longer needs ongoing treatment and whether the person has a propensity to reoffend. The burden of proof is on the defendant by clear and convincing evidence.</p> <p>Statute(s) Impacted: 13-502, 13-3994</p> <p>Court Impact: Establishes new procedures for sentencing and post-conviction proceedings when a person is found guilty except insane.</p>
<p>Chapter 145</p> <p><u>SB1455</u></p> <p>Effective Date Conditional</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>LOW SULFUR DIESEL FUEL STANDARDS Sen. Allen</p> <p>Identifies additional conduct that constitutes a Class 2 misdemeanor under the existing A.R.S. § 41-2113 relating to the sale of diesel fuel, labeling of diesel fuel dispensers and use of product transfer documents.</p> <p>Statute(s) Impacted: 41-2083, 41-2083</p> <p>Court Impact: Could result in additional misdemeanor filings for violation. Under current law, the attorney general and the county attorney have concurrent jurisdiction to prosecute violations.</p>
<p>Chapter 154</p> <p><u>SB1118</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>VEHICLE ACCIDENTS; MINIMUM REPORTING REQUIREMENT Sen. Chuck Gray</p> <p>Increases the classification of Leaving the scene of an accident involving death or personal injury from a Class 4 to a Class 3 felony, except that if a driver caused the accident the driver is guilty of a Class 2 felony. Increases the classification of Leaving the scene of a damage-only accident from a Class 3 to a Class 2 misdemeanor.</p> <p>Statute(s) Impacted: 28-661, 28-662</p> <p>Court Impact: Also, reclassifies a failure to stop or give information or assistance at the scene of an accident leading to injury that is not serious as a class 5 felony (currently a class 6 felony).</p>

<p style="text-align: center;">Chapter 155</p> <p style="text-align: center;"><u>SB1131</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p style="text-align: center;">TRAFFIC VIOLATIONS; STATUTE OF LIMITATIONS Sen. Chuck Gray</p> <p>Requires a civil traffic violation case to be commenced as follows:</p> <ul style="list-style-type: none"> • Within 60 days of an alleged violation if commenced by issuance of a citation, • Within 60 days of an alleged violation if commenced by filing of a citation and must be served within 90 days from the filing date, • Within one year of the alleged violation if the alleged violation is under investigation in conjunction with an accident resulting in death (180 days if the accident under investigation does not involve death). <p>Statute(s) Impacted: 28-1592</p> <p>Court Impact: Potential impact to photo enforcement programs due to time limitation for service.</p>
<p style="text-align: center;">Chapter 159</p> <p style="text-align: center;"><u>SB1229</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p style="text-align: center;">AGGRAVATED DUI; PROBATION; INCARCERATION Sen. Waring</p> <p>In an Aggravated DUI case, the time a probationer is on absconder status or the time the person is incarcerated is excluded when determining the 84 month look- back period.</p> <p>Statute(s) Impacted: 28-1383</p> <p>Court Impact: Alters case processing time calculation requirements for Aggravated DUI cases, and may result in additional Aggravated DUI charges.</p>
<p style="text-align: center;">Chapter 162</p> <p style="text-align: center;"><u>SB1323</u></p>	<p style="text-align: center;">ANTIFREEZE; AVERSIVE OR BITTERING AGENT Sen. Leff</p> <p>Requires engine coolant and antifreeze manufactured</p>

<p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <hr/> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <hr/> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <hr/>	<p>on or after September 1, 2007 and sold in Arizona on or after January 1, 2008 to contain an aversive or bittering agent to render it unpalatable. A violation is a Class 3 misdemeanor.</p> <p>Statute(s) Created: 41-2086</p> <p>Court Impact: Establishes a new class 3 misdemeanor, enforceable by the Department of Weights and Measures.</p>
<p style="text-align: center;">Chapter 163</p> <p style="text-align: center;"><u>SB1331</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <hr/> <p>Superior Court Clerk of Court Court Administrator Judge</p> <hr/> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <hr/> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <hr/>	<p style="text-align: center;">CRIMINAL JUSTICE COMMISSION; POWERS; DUTIES Sen. Chuck Gray</p> <p>Transfers administrative responsibilities related to maintaining the Criminal Justice Information System, including rule and policy-making authority, from the Arizona Criminal Justice Commission to the Department of Public Safety.</p> <p>Statute(s) Impacted: 41-2405</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 164</p> <p style="text-align: center;"><u>SB1333</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <hr/> <p>Superior Court Clerk of Court Court Administrator Judge</p> <hr/>	<p style="text-align: center;">SHOPLIFTING; CONTINUING CRIMINAL EPISODE Sen. Chuck Gray</p> <p>Defines a continuing criminal episode for shoplifting purposes as theft of property worth \$1,500 or more during at least three separate incidences within a period of three months with the intent to resell the merchandise. Presumes a person intends to commit shoplifting if an artifice, instrument, container, device or other article is used to facilitate the act. Repeals the current Class 4 felony for a person who enters a business with an artifice, instrument, container, device or other article to facilitate shoplifting.</p>

<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Statute(s) Impacted: 13-1805</p> <p>Court Impact: Alters the elements of proof in certain shoplifting cases.</p>
<p>Chapter 174</p> <p><u>SB1592</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>CONTRACTORS; VIOLATIONS; SALES TAX Sen. Gould</p> <p>Requires the court, as a condition of probation, to order a person convicted of a contract license violation to pay any state and local transaction privilege taxes and use taxes associated with the act or omission that constituted the violation. Expands the list of individuals who may access confidential tax information to include a prosecutor for the purpose of determining taxes owed.</p> <p>Statute(s) Impacted: 32-1164, 42-2003</p> <p>Court Impact: Requires courts to order payment of unpaid taxes for certain misdemeanor contractor license violations.</p>
<p>Chapter 176</p> <p><u>SB1628</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Clerk of Court Court Administrator Court Clerk Judge</p>	<p>YOUTHFUL SEX OFFENDERS; TREATMENT Sen. Johnson</p> <p>Requires a sex offender placed in a treatment program by order of a court or a probation department to be placed with offenders of similar age and maturity level if group treatment is prescribed by the provider. A mental health treatment program must comply with the professional code of ethics from the Association for the Treatment of Sexual Abusers and can not include images in violation of Title 13, Chapters 35 and 35.1. Sex offender is defined as a person 21 years of age or younger, who is convicted or adjudicated of an offense in violation of Title 13, Chapters 14 or 35.1 that does not involve a deadly weapon or dangerous instrument.</p> <p>Requires the court to hold a hearing to determine if jurisdiction of the criminal prosecution of a juvenile prosecuted as an adult pursuant to A.R.S. §13-501 (B) for a Title 13, Chapter 14 or 35.1 offense should be</p>

	<p>transferred to the juvenile court on either motion of the juvenile or the court or if the juvenile is being prosecuted for an offense that was committed more than twelve months before the date of the filing. The juvenile must be transferred to the juvenile court if the court finds by clear and convincing evidence that doing so would best serve the public safety and the rehabilitation of the juvenile. Outlines the determining factors that must be considered. The court must make a written determination regarding transfer to the juvenile division and is prohibited from deferring the decision. On transfer, the court must order that the juvenile be taken to the juvenile court, a court-designated place of detention, or released to the custody of the juvenile's parent or legal guardian who must then bring the juvenile to appear before the juvenile court at a designated time.</p> <p>Requires the court to conduct a probation review hearing at least once a year upon request of a probationer who is under 22 years of age and committed an offense for which sex registration is required prior to age 18. The court must consider whether to continue, modify or terminate probation, registration and community notification. The probation department supervising the individual must prepare a report prior to the hearing and make the report available to listed individuals. Conforming language in the registration statute, but not in the community notification statute.</p> <p>Statute(s) Impacted: 13-3821</p> <p>Statute(s) Created: 8-350.01, 13-501.01, 13-923</p> <p>Court Impact: The court must carry out the specific requirements for placing certain sex offenders in mental health treatment programs; transferring juveniles being prosecuted as adults for specific sexual offenses to the juvenile court; and conducting annual probation review hearings for certain probationers set forth in this bill.</p>
<p>Chapter 178</p> <p>HB2016</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court</p>	<p>MATERIAL WITNESS; RELEASE; DETENTION; DEPOSITION Rep. McClure</p> <p>Permits the court in a human smuggling case to order a person be temporarily detained if it is shown that the person's immigration status may make it impracticable to secure presence by a subpoena. The testimony of the person must be material and the person must be treated according to the bailable release provisions. Prohibits the witness from being detained for more</p>

<p>Court Administrator Judge</p>	<p>than 24 hours unless an affidavit is filed with the court. The release of the material witness may be delayed for a reasonable period of time until a deposition can be taken. The witness may be detained for up to seven days after entry of the order, however, the examination must be completed if reasonably feasible and the person may be released. On the motion of any party or a detained material witness, the court may order the examination, by oral deposition, of the material witness unless the material witness is the defendant or a victim excluded pursuant to the Arizona Rules of Criminal Procedure. A material witness must be kept physically separate or segregated from a person charged with or convicted of a criminal offense. A juvenile witness may be detained in a juvenile facility or, if otherwise permissible, a jail pursuant to A.R.S. § 8-305.</p> <p>Statute(s) Created: 13-4085</p> <p>Court Impact: The court may order the temporary detention of a material witness in a criminal proceeding involving human smuggling, under certain circumstances.</p>
<p>Chapter 186</p> <p><u>HB2314</u></p> <p>Effective Date Emergency 05/08/2007</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Clerk of Court Court Administrator Judge</p> <p>Municipal Court Clerk of Court Court Administrator Judge/Magistrate</p>	<p>SCRAP METAL DEALERS; RECORDS Rep. JP Weiers</p> <p>In pertinent part, expands the offense of Aggravated criminal damage to include intentionally or recklessly defacing, damaging or tampering with any utility or agricultural infrastructure or property, construction site or existing structure for the purpose of obtaining nonferrous metals. Establishes penalties as follows:</p> <ul style="list-style-type: none"> • Class 3 felony if cost of damage exceeds \$10,000 • Class 4 felony if cost of damage is greater than \$1,500 but not more than \$10,000 • Class 5 felony for all other damages <p>Statute(s) Impacted: 13-1604, 44-1642, 44-1644, 44-1646</p> <p>Statute(s) Created: 44-1647</p> <p>Court Impact: The damage amount for the aggravated criminal damage charge includes the cost of loss of crops and livestock. The bill also expands the transaction record-keeping and reporting requirements for scrap metal dealers, including that reporting shall now be to the Department of Public Safety instead of the local law enforcement agency. Violation of the reporting requirements continues to be</p>

	a class1 misdemeanor under existing A.R.S. sec. 44-1644(D).
<p>Chapter 187</p> <p><u>HB2391</u></p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Clerk of Court Court Administrator Judge</p> <p>Municipal Court Clerk of Court Court Administrator Judge/Magistrate</p>	<p>SPIRITUOUS LIQUOR; OMNIBUS Rep. Crandall</p> <p>In pertinent part, classifies the act of knowingly admitting an underage person into a bar as a Class 1 misdemeanor. Authorizes the court to suspend the driving privilege of a person less than 18 years of age for a maximum 180 days upon conviction of buying, possessing or consuming spirituous liquor.</p> <p>Statute(s) Impacted: 4-101, 4-202, 4-205.02, 4-213, 4-241, 4-243.02, 4-244, 4-246, 28-3309, 28-3320</p> <p>Court Impact: Establishes a new class 1 misdemeanor and modifies the penalties for certain alcohol-related offenses by a minor. Makes the violations currently listed in statute (A.R.S. sec. 28-3309) the maximum penalties for underage persons who are convicted of using a false identification.</p>
<p>Chapter 189</p> <p><u>HB2694</u></p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Clerk of Court Court Administrator Judge</p>	<p>RACING; PARI-MUTUAL WAGERING Rep. Mason</p> <p>Creates the offense of accepting a wager or betting on a race that is placed outside an Arizona authorized wagering facility. Wagers made by an individual in this state are assumed to have occurred within this state. A violation is a Class 6 felony.</p> <p>Statute(s) Impacted: 5-112</p> <p>Court Impact: Informational. Enforcement shall be by the Department of Racing and the Arizona Attorney General.</p>
<p>Chapter 195</p> <p><u>SB1252</u></p> <p>Effective Date General</p>	<p>EXTREME DUI; SENTENCE Sen. Waring</p> <p>In an Extreme DUI, removes the ability of the court to suspend any portion of the minimum required jail sentence. Authorizes the court after a first conviction to order a person not to consume alcohol for 30 days</p>

<p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>or more through continuous alcohol monitoring or twice daily alcohol testing. Following a second or subsequent Extreme DUI, the court may order a person not to consume alcohol for 90 days or more through continuous alcohol monitoring or twice daily alcohol testing.</p> <p>Statute(s) Impacted: 9-499.07, 11-459, 28-1382</p> <p>Court Impact: Removes the authority of the court to suspend any portion of the jail time for a first or second offense Extreme DUI. The court may require compliance with an order not to consume alcohol be demonstrated through continuous monitoring or twice daily testing.</p>
<p>Chapter 199</p> <p>SB1434</p> <p>Effective Date Delayed 01/01/2008</p>	<p>JURY; COMMISSIONER DUTIES; JUROR SELECTION Sen. Chuck Gray</p> <p>Jurors must be summoned countywide unless an alternative plan is adopted. Courts wanting to adopt an alternative plan must submit a summoning plan to the Supreme Court or the presiding judge of the county for approval. Alternate procedures for summoning jurors to superior courts with multiple court locations may include dividing counties into jury districts or using a countywide method that minimizes the distance a prospective juror must travel. All summoning plans must pass constitutional muster. The plan must also provide for a summoning of jurors from a fair cross-section of the community. Requires a judge or jury commissioner to notify a prospective juror if the juror has been permanently excused from jury duty. Makes a number of changes to the procedure for summoning and selecting jurors to maintain pace with current practices and technologies.</p> <p>Statute(s) Impacted: 9-823, 12-1176, 21-131, 21-201, 21-202, 21-223, 21-313, 21-314, 21-315, 21-331, 21-332, 21-334, 21-336.01, 21-402, 21-404, 21-406, 21-417, 21-423, 21-428, 22-320</p> <p>Statute(s) Created: 21-101, 21-132, 21-301, 21-302, 21-311, 21-312, 21-404</p> <p>Statute(s) Repealed: 21-101, 21-311, 21-312, 21-316, 21-317, 21-318, 22-426</p> <p>Court Impact: Makes substantial changes to jury management procedures, bringing statute in line with modern practices, including the use of jury management software. Jury commissioners and jury personnel at all court levels will need to be aware of</p>
<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge Jury Commissioner/Manager</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge Jury Commissioner/Manager</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate Jury Commissioner</p>	

	<p>the revised statutory requirements and responsibilities in the area of jury management.</p>
<p>Chapter 204</p> <p><u>HB2756</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator Court Clerk</p> <p>Justice of the Peace Court Court Administrator Judge</p> <p>Municipal Court Court Administrator Judge/Magistrate</p>	<p>VICTIMS' RIGHTS; FREE POLICE REPORTS Rep. Garcia</p> <p>Requires a law enforcement officer in the initial victim rights contact to notify a victim of the right to a free copy of the police report, if the investigation is for a Part 1 offense.</p> <p>An employer, who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of that employer, must allow an employee who is a victim of a crime to leave work to obtain an order of protection, injunction against harassment or other injunctive relief.</p> <p>Statute(s) Impacted: 13-4405, 13-4439</p> <p>Court Impact: Adds "a court order the employee is subject to or any other proper documentation" to the list of documents the employee must provide the employer before the employee may leave work. Prohibits the employer from denying any privileges of employment because an individual exercises the right to leave work under the provisions of the statute (A.R.S. sec. 13-4439(A)). Courts (as employers) must follow the requirements of this bill with regard to an employee who is a victim of a crime.</p>
<p>Chapter 210</p> <p><u>HB2726</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>COMMUNICATION SERVICE RECORDS; UNAUTHORIZED USE Rep. Farnsworth</p> <p>Prohibits the procurement and sale of public utility records and communication service records through unauthorized, fraudulent or deceptive means, with certain exceptions. Prohibits the unauthorized use of personal information from a telephone record, public utility record or communication service record in a judicial, administrative, legislative or other proceeding, with certain exceptions.</p> <p>Statute(s) Impacted: 44-1376, 44-1376.01, 44-1376.02, 44-1376.04</p> <p>Court Impact: Violation is a class 1 misdemeanor under existing A.R.S. sec. 44-1376.05. A customer whose communication service records or public utility records are procured, sold or received in violation of the record requirements may pursue injunctive relief, damages, and attorney fees. Alters evidentiary</p>

	standards pertaining to public utility, communication service, and telephone records in court proceedings.
<p>Chapter 212</p> <p><u>SB1555</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>RESIDENCY RESTRICTIONS; SCHOOLS; CHILD CARE Sen. Tibshraeny</p> <p>Prohibits a person convicted of a Dangerous crime against children who is required to register as a sex offender and who is a level three sex offender from residing within 1,000 feet of any school or child care facility. Restricts cities, towns and counties from enacting ordinances calling for greater distance restrictions. Does not apply to a minor, person on probation, a person who has established residency prior to the effective date of the act or before a new school or child care facility is located and a person whose civil rights were restored or who has not been convicted of a subsequent offense in the previous ten years, excluding incarceration time. A violation is a Class 1 misdemeanor.</p> <p>Statute(s) Created: 13-3726</p> <p>Court Impact: Courts and probation officers should be aware of this residency restriction directed at certain persons convicted of dangerous crimes against children.</p>
<p>Chapter 215</p> <p><u>HB2387</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Court Clerk</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>COUNTY TREASURER; PROCEDURES Rep. Konopnicki</p> <p>In pertinent part, creates an offense, Disclosure of confidential information, knowingly disclosing confidential taxpayer information by any person including a current or former county treasurer employee. A violation is a Class 6 felony.</p> <p>Statute(s) Created: 11-505, 11-645</p> <p>Court Impact: Establishes a new class 6 felony.</p>
<p>Chapter 219</p> <p><u>SB1029</u></p> <p>Effective Date</p>	<p>DUI; 0.20 CONCENTRATION ENHANCEMENT Sen. Waring</p> <p>Requires a person convicted of a first DUI (A.R.S. §28-1381) to have an ignition interlock device installed</p>

<p style="text-align: center;">General</p> <p>Item of interest to:</p> <p style="background-color: #e0e0ff; padding: 2px;"> </p> <p style="background-color: #ffffcc; padding: 2px;">Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #ccffcc; padding: 2px;">Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>pursuant to A.R.S. §28-3319 for a minimum of 12 months. The court may order the individual to have the device for longer than 12 months.</p> <p>Requires a person convicted of Extreme DUI with a Blood Alcohol Concentration of .20 or more to be sentenced to serve not less than 45 consecutive days in jail. The person is not eligible for probation or suspension of execution of sentence unless the entire sentence is served. Requires the person to pay a fine of not less than \$500 and use an ignition interlock device pursuant to A.R.S. §28-3319 for 18 months.</p> <p>Requires a person convicted of an Extreme DUI with a Blood Alcohol Concentration of .20 or more with a prior DUI conviction within 84 months to be sentenced to 180 days in jail, 90 of which must be served consecutively. The person is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served. Requires the person to pay a fine of not less than \$1,000 and use an ignition interlock device pursuant to A.R.S. §28-3319 for 24 months.</p> <p>Note, contrary to Chapter 195, this chapter does not prohibit suspension of a portion of the minimum sentence for an Extreme DUI with a BAC of below .20.</p> <p>Statute(s) Impacted: 28-1381, 28-1382, 28-3319</p> <p>Court Impact: Requires specific, increased penalties for conviction of DUI.</p>
<p style="text-align: center;">Chapter 223</p> <p style="text-align: center;"><u>HB2067</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p style="background-color: #e0e0ff; padding: 2px;">Superior Court Clerk of Court Court Administrator Court Clerk</p> <p style="background-color: #ffffcc; padding: 2px;">Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #ccffcc; padding: 2px;"> </p> <p style="background-color: #e0e0e0; padding: 2px;"> </p>	<p style="text-align: center;">CRITICAL INFRASTRUCTURE; INFORMATION; PENALTY Rep. Nelson</p> <p>Creates a new offense for a county, city, town, school district or tribal law enforcement agency employee to knowingly divulge critical infrastructure information contained in and protected by the statewide system. A violation is a Class 5 felony.</p> <p>Statute(s) Impacted: 41-1801, 41-1803</p> <p>Statute(s) Created: 41-1805</p> <p>Court Impact: Establishes a new class 5 felony.</p>

<p>Chapter 224</p> <p><u>HB2200</u></p> <p>Effective Date General</p> <hr/> <p>Item of interest to:</p> <hr/> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>CONTRACTORS; REQUIREMENTS; CONSTRUCTION CONTRACTS Sen. Leff</p> <p>Adds recklessly (currently only knowingly) conspiring with a licensed or unlicensed person with the intent to evade the laws pertaining to construction contractors as prohibited conduct. A violation is a Class 1 misdemeanor.</p> <p>Statute(s) Impacted: 32-1154, 32-1155, 32-1158</p> <p>Court Impact: Informational.</p>
<p>Chapter 227</p> <p><u>SB1014</u></p> <p>Effective Date Emergency 05/24/07</p> <hr/> <p>Item of interest to:</p> <hr/> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>UNAUTHORIZED USE; SOLDIER'S NAME; PICTURE Sen. Waring</p> <p>Establishes a right of publicity regarding the commercial use of a soldier's name, portrait or picture without consent and establishes a violation of that right as a Class 1 misdemeanor. Consent must be obtained from the soldier or soldier's spouse, immediate family member or trustee if the soldier is a minor; consent from a legally designated representative must be obtained if the person is using the name, portrait or picture for advertising goods, soliciting patronage or receiving consideration for the sale of merchandise. Allows any person injured by the unauthorized use of the name, portrait or picture of a deceased soldier to bring a civil action against the person who committed the violation. Provides some exemptions.</p> <p>Statute(s) Created: 12-761, 13-3726</p> <p>Court Impact: Establishes a new class 1 misdemeanor and civil liability. The civil remedy may include injunctive relief, treble damages, punitive or exemplary damages, attorney fees and costs.</p>
<p>Chapter 232</p> <p><u>SB1483</u></p> <p>Effective Date General</p>	<p>AMUSEMENT RIDES; SAFETY Sen. O'Halleran</p> <p>Creates a new offense, knowingly disclosing records retained by counties and municipalities regarding amusement park safety A violation is a Class 3</p>

<p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>misdemeanor. The records are not subject to public inspection and may only be disclosed on written consent of the owner, on receipt of a court order, or if required by law.</p> <p>Statute(s) Created: 44-1799.61, 44-1799.62, 44-1799.63, 44-1799.64</p> <p>Court Impact: Establishes a new class 3 misdemeanor.</p>
<p>Chapter 243</p> <p><u>HB2040</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>RESIDENTIAL MORTGAGE FRAUD Rep. Anderson</p> <p>Enacts the crime of Residential Mortgage Fraud, a Class 2 or 4 felony. Defines Residential Mortgage Fraud as any of the following:</p> <ul style="list-style-type: none"> • Knowingly making, using or facilitating the use of any deliberate misstatement, misrepresentation or material omission during the mortgage lending process that is relied on by a mortgage lender, borrower or other party to the mortgage lending process, • Receiving any proceeds or other monies in connection with a residential mortgage that the person knows resulted from the knowing use of or facilitation of the use of a deliberate misstatement, misrepresentation or material omission, • Filing or causing the filing with the office of the county recorder of any residential mortgage loan document that the person knows to contain a deliberate misstatement, misrepresentation or material omission. <p>Statute(s) Created: 13-2320</p> <p>Court Impact: Establishes new felony offenses for residential mortgage fraud.</p>
<p>Chapter 248</p> <p><u>HB2342</u></p> <p>Effective Date Emergency 06/13/2007</p> <p>Item of interest to:</p>	<p>UNLAWFUL SEXUAL CONDUCT INVOLVING PRISONERS Rep. Burns</p> <p>Expands the definition of child prostitution to include a person engaging in the act of prostitution with a minor and adds child prostitution to the list of serious offenses defined under A.R.S. § 13-604.</p> <p>Requires any sentence imposed on a defendant</p>

<p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>convicted of sex trafficking of a minor or child prostitution with an individual who is 15, 16 or 17 years of age to run consecutively to any other sentence imposed on the defendant at any time. If a person engaging in an act of prostitution is convicted and the minor is 15, 16 or 17 years of age, a judge imposing a term of probation must order as an initial term of probation that the defendant be imprisoned in the county jail for not less than 30 days.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>Establishes the offense of Engaging in child prostitution with a peace officer posing as a minor, a Class 3 felony. Provides an enhanced sentence similar to a dangerous offense for enumerated child prostitution offenses.</p>
<p></p>	<p>Modifies the current defense for child prostitution by making it applicable only to a person who engages in prostitution with a minor who is 15, 16 or 17 years old if the person could not reasonably have known the age of the minor.</p>
<p></p>	<p>Expands the definition of a Dangerous Crime Against Children to include Luring a minor for sexual exploitation and prescribes sentencing ranges.</p>
<p></p>	<p>Expands the list of persons prohibited from engaging in unlawful sexual conduct with prisoners and decriminalizes the act of a prisoner engaging in sexual conduct with a corrections employee.</p>
<p></p>	<p>Statute(s) Impacted: 13-604, 13-604.01, 13-1307, 13-1419, 13-3211, 13-3212, 13-3213, 13-3554, 31-412, 41-1604.11, 41-1604.13</p>
<p></p>	<p>Court Impact: Modifies definitions, mandates specific penalties, and alters a particular defense for certain sex-related criminal offenses.</p>
<p>Chapter 261 <u>HB2787</u> Effective Date General</p>	<p>BUDGET RECONCILIATION; CRIMINAL JUSTICE Rep. McComish, Sen. Burns</p> <p>In pertinent part, requires a county to pay 61.5% of the compensation of a justice of the peace, including ERE, except that the county must pay the full amount of the employee's contribution to ASRS or any county health plan.</p>
<p>Item of interest to:</p>	<p>Effective January 1, 2008, law enforcement is required to secure a sample for DNA testing from any person arrested for certain enumerated offenses. If a judicial officer releases a person charged with any of the offenses on the person's own recognizance or on</p>
<p>Superior Court Clerk of Court Court Administrator Judge</p>	<p></p>
<p>Justice of the Peace Court</p>	<p></p>

<p>Court Clerk Court Administrator Judge</p>	<p>bail, the judicial officer must order the person to report within five days to law enforcement to provide a sample for DNA testing purposes.</p>
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Requires the court to revoke the person's release if a sample is not provided within five days.</p>
<p>Administrative Office of the Courts</p>	<p>Permits a person who provides a sample under this law to petition the court to order the person's DNA profile and sample to be expunged from the Arizona DNA Identification System provided criminal charges are not filed within the appropriate period of time or are dismissed, or if the person is acquitted at trial. There is an exception preventing the person from being eligible to petition the court if arrested or charged with another offense that would require DNA testing or if convicted of another offense that requires DNA testing. Removes the provision permitting a person convicted of a felony designated as a misdemeanor to petition the court for the removal of the DNA profile.</p>
	<p>Increases the surcharge collected for deposit into the Arizona DNA Identification System Fund from 3% to 7% until December 31, 2011, at which point the surcharge is decreased to 6%.</p>
	<p>Statute(s) Impacted: 12-116.01, 13-610, 13-2314.01, 13-3967, 38-886.01, 41-191.09</p>
	<p>Court Impact: Bail/bond amounts, bond cards, surcharge schedules, and local court enhancement fees will need to be modified to reflect the surcharge change. A judicial officer who releases a person charged with certain enumerated offenses on bail or on the person's own recognizance must order the person to report for DNA testing within 5 days. Courts must revoke the release of a person who does not comply. Courts may begin to see petitions for the expungement of DNA results filed.</p>
<p>Chapter 269 HB2136 Effective Date General</p>	<p>CONTROLLED SUBSTANCES; MONITORING PROGRAM Rep. Stump</p>
<p>Item of interest to:</p>	<p>Creates a Controlled Substances Prescription Monitoring Program (CSPMP), provides civil immunity to entities that comply with the reporting requirements of the CSPMP, and establishes the following:</p>
<p>Superior Court Clerk of Court Court Administrator Judge</p>	<ul style="list-style-type: none"> • Failure to report required information to the CSPMP as a Class 2 misdemeanor • Knowingly failing to report required information as a Class 1 misdemeanor

<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<ul style="list-style-type: none"> • Knowingly reporting information to the Board that is known to be false or fraudulent as Class 6 felony • Knowingly disclosing information maintained by the Board pursuant to the provisions of the CSPMP for an illegitimate purpose as a Class 6 felony <p>Statute(s) Impacted: 32-1907, 36-2522, 36-2525</p>
<p>Chapter 278</p> <p>HB2753</p> <p>Effective Date General</p>	<p>Court Impact: Establishes new misdemeanor and felony violations. Courts may be asked to make a specific finding of malice or criminal intent against an entity in possession of information pursuant to the Controlled Substance Prescription Monitoring Program (CSPMP). The CSPMP will track the prescribing, dispensing, and consumption of controlled substances dispensed by a medical practitioner or pharmacy.</p>
<p>Chapter 278</p> <p>HB2753</p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>VEHICLE IMPOUNDMENT AND IMMOBILIZATION Rep. Pearce</p> <p>In pertinent part, requires an impounding agency to allow access to the owner of a vehicle for the purpose of inspecting it for damage or to a representative of an ignition interlock device company seeking to remove the device. An agency is prohibited from charging a fee for the access. Failure to allow access is a Class 2 misdemeanor. An owner who does not inspect the vehicle prior to the removal of the device creates a rebuttable presumption that any damage to the vehicle did not occur while in possession of the impounding agency. Does not create a cause of action against an impounding agency for allowing access to a representative of an ignition interlock device company. An individual who violates an agreement to prevent an unlicensed driver from operating a vehicle or a lending entity who releases a vehicle to an owner in violation of statute is subject to a minimum civil penalty of \$250.</p> <p>Statute(s) Impacted: 28-3511, 28-3512, 28-3513, 28-3514, 28-3815, 41-1752</p> <p>Statute(s) Created: 28-4848</p> <p>Court Impact: Justice courts will need to be familiar with the changes to existing statutes, regarding the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege, in order to properly conduct an immobilization or poststorage hearing to determine the validity of the immobilization or storage.</p>

Generalizes the existing, specific driver's license suspensions and revocations that will result in vehicle impoundment or immobilization to now simply include any driver's license suspension or revocation, for whatever reason; the driver cannot produce evidence of ever having a valid license or permit issued by another jurisdiction; failure to have a required ignition interlock device. Eliminates the exemption from vehicle impoundment for a minor driving a parent's or guardian's vehicle when the minor has consumed alcohol. Requires proof of a rental agreement, effective on the date of impoundment, if the owner is in the business of renting vehicles and is requesting release prior to the end of the 30-day impoundment period. Clarifies that the spouse or any other vehicle owner requesting vehicle release prior to the end of the 30-day impoundment period had to be listed on the Department of Transportation's (DOT) records as an owner at the time of impoundment. Provides that if a spouse or vehicle owner requests release of the vehicle before the end of the 30-day impoundment period and enters into an agreement with the impounding agency prohibiting operation of the released vehicle by an unlicensed driver, the spouse or other owner will be ineligible for early release of the vehicle if it is subsequently impounded within one year. Adds "a valid salvage or dismantle certificate" to the proof of ownership documents necessary for release of a vehicle. Requires proof of motor vehicle liability insurance as a condition of releasing the vehicle. Clarifies that an owner in the business of renting vehicles, a motor vehicle dealer, or a financial institution that requests the release of a vehicle must pay administrative charges to the impounding agency. Specifies that the person requesting release of the vehicle on behalf of a rental company or financial institution cannot be the person who was operating the vehicle at the time of impoundment.

States that a person to whom a vehicle has been released, other than an owner, identified in the DOT's records as having an interest in the vehicle, (e.g. a rental car company, motor vehicle dealer or financial institution) cannot return the impounded vehicle to the person who was operating the vehicle at the time of impoundment unless the vehicle owner or owner's agent presents a valid driver's license, current vehicle registration or salvage or dismantle title and evidence of a motor vehicle liability policy. Violation constitutes a civil traffic violation, subject to a civil penalty of \$250.

Establishes a new civil traffic violation, subject to a civil penalty of \$250, for a person who enters into an

	<p>agreement with the impounding agency for early release of the vehicle who then allows a person to operate the vehicle in violation of the agreement.</p> <p>Alters the time from five working days to five business days within which a justice court must conduct a post storage hearing after receiving a hearing request. Limits the time to within ten days after the date on the notice of impoundment that a vehicle owner, spouse or other person may request a post storage hearing. Specifies that a person is entitled to only one post storage hearing with either the impounding agency or a justice court, but not both.</p> <p>Establishes a new class 2 misdemeanor for a towing company, storage yard, facility or person that has physical possession of a vehicle who refuses access or charges a fee during normal business hours to an ignition interlock device manufacturer or installer or a person who is listed as a lien holder on the DOT's records for the purpose of removing an interlock device from the vehicle or assessing the vehicle's condition.</p>					
<p style="text-align: center;">Chapter 279</p> <p style="text-align: center;"><u>HB2779</u></p> <p style="text-align: center;">Effective Date (See Summary)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #cccccc;">Item of Interest to:</td> </tr> <tr> <td style="background-color: #e6e6ff;">Superior Court Clerk of Court Court Administrator Judge</td> </tr> <tr> <td style="background-color: #ffffcc;">Justice of the Peace Court Court Clerk Court Administrator Judge</td> </tr> <tr> <td style="background-color: #ccffcc;"></td> </tr> <tr> <td style="background-color: #cccccc;"></td> </tr> </table>	Item of Interest to:	Superior Court Clerk of Court Court Administrator Judge	Justice of the Peace Court Court Clerk Court Administrator Judge			<p style="text-align: center;">FAIR AND LEGAL EMPLOYMENT ACT Rep. Pearce</p> <p>Expands the provisions of the crime, Aggravated taking the identity of another person or entity, to include the act of knowingly committing identity theft with the intent to obtain employment. Decreases the number of stolen identities necessary to constitute the crime from five to three or more persons.</p> <p>Beginning January 1, 2008, employers are prohibited from intentionally (as defined in A.R.S. §13-105) employing an unauthorized alien or knowingly employing an unauthorized alien (as defined in 8 U.S.C. §1324a). Requires the Attorney General or appropriate county attorney to conduct an investigation upon receipt of a complaint that an employer allegedly intentionally or knowingly employs an unauthorized alien.</p> <p>Filing a frivolous complaint is a Class 3 misdemeanor.</p> <p>The investigating body must verify the work authorization of the alleged alien with the federal government and notify federal immigration and local law enforcement agencies of any unauthorized alien. Each county attorney is charged with bringing an action in superior court against an employer following an investigation or upon direction of the Attorney General. Requires the superior court to expedite any</p>
Item of Interest to:						
Superior Court Clerk of Court Court Administrator Judge						
Justice of the Peace Court Court Clerk Court Administrator Judge						

action, including assigning a hearing at the earliest possible date.

For a first violation of knowingly employing an unauthorized alien, the court must order the employer to terminate employment of all unauthorized aliens and direct the appropriate agencies to suspend any business licenses held by the employer unless a signed sworn affidavit is filed with the county attorney within three business days. The affidavit must state that the employer has terminated the employment of all unauthorized aliens and will not intentionally or knowingly employ an unauthorized alien. Upon filing of the affidavit, any suspended licenses are to be automatically reinstated unless otherwise directed by the court. The court may order the suspension of the licenses for a period not to exceed ten business days and must order the employer to be subject to a three-year probationary period. During this time, quarterly reports for each new hire must be filed with the county attorney for the location where the unauthorized alien performed work.

For a first violation of intentionally employing an unauthorized alien, requires the court to order the employer to terminate the employment of all unauthorized aliens and direct the appropriate agencies to suspend any licenses held by the employer necessary to conduct business until a signed sworn affidavit is filed with the county attorney. The court must order the suspension of the licenses for a minimum of ten business days and order the employer to be subject to a five-year probationary period. During this time, quarterly reports for each new hire must be filed with the county attorney for the location where the unauthorized alien performed work.

Enumerates factors the court must consider before determining the length of suspension of an employer's business licenses.

For a second violation of intentionally or knowingly employing an unauthorized alien during the respective probationary periods, the court must order the appropriate agencies to permanently revoke an employer's business licenses. Requires the Attorney General to keep copies of all court orders related to the knowing or intentional hiring of unauthorized aliens, make the orders available on the AG website and maintain a database of employers found to be in violation of a related court order.

Prohibits the court from considering anything other

	<p>than the federal government's determination in finding that the employee is an unauthorized alien. Restricts the court's determination of an individual as an unauthorized alien to that of the federal government's and allows the court to request verification of such from the federal government. The federal determination provides a rebuttable presumption as to an individual's lawful status.</p> <p>Statute(s) Created: 23-211, 23-212, 23-213, 23-214</p> <p>Statute(s) Amended: 13-2009</p> <p>Court Impact: Makes substantial changes to the license eligibility of employers in Arizona and verification of the employment eligibility of employees of which courts will need to be aware due to revocation requirements. The term "license" is defined broadly to include any agency permit, certificate, approval, registration, charter or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state. Also establishes a new class 3 misdemeanor. The AOC is working to identify any Rules and procedures that will need to be modified/created for implementation of this legislation.</p>
<p>Chapter 281</p> <p><u>SB1099</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>REVISED UNIFORM ANATOMICAL GIFT ACT Sen. Allen</p> <p>Establishes a Class 6 felony for the act of intentionally falsifying, forging, concealing, defacing or obliterating the following:</p> <ul style="list-style-type: none"> • A document of anatomical gift • An amendment or revocation of anatomical gift • A refusal of anatomical gift <p>Statute(s) Impacted: 28-3006</p> <p>Statute(s) Created: 36-841 through 36-863</p> <p>Court Impact: Informational. Establishes a new class 6 felony for certain conduct in violation of the Revised Uniform Anatomical Gift Act.</p>
<p>Chapter 282</p> <p><u>SB1134</u></p> <p>Effective Date General</p>	<p>BAD CHECKS; CLASSIFICATION Sen. Arzberger</p> <p>Classifies issuing a bad check in excess of \$5,000 as a Class 6 felony if the person fails to pay the full amount of the check and any interest and fees within</p>

<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>60 days of receiving notice of the bad check.</p> <p>Statute(s) Impacted: 13-1807</p> <p>Court Impact: Establishes a new class 6 felony for issuing a bad check in the amount of \$5,000 or more unless paid in full, as stated.</p>
<p>Chapter 287</p> <p><u>SB1222</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>CRIMINAL STREET GANGS; MEMBERSHIP; SENTENCING Sen. Linda Gray</p> <p>Increases the presumptive term of incarceration for a person convicted of Committing a felony with the intent to promote, further or assist criminal conduct by a criminal street gang by five years if the offense is a Class 2 or Class 3 felony.</p> <p>Allows the court to increase the presumptive sentence for a felony committed within a school zone by up to five years if the individual is a member of a street gang.</p> <p>Increases the classification for Threatening or intimidating another person in order to promote, further or assist a criminal street gang, criminal syndicate or racketeering enterprise from a Class 4 to a Class 3 felony. Threatening and intimidating by a criminal street gang member is reclassified from a Class 1 misdemeanor to a Class 6 felony.</p> <p>Shoplifting if done to promote, further or assist any criminal street gang or criminal syndicate is a class 5 felony.</p> <p>Establishes the offense, Participating in (Class 2 felony) or Assisting (Class 3 felony) a criminal street gang, separating those provisions from the offense of Participating in or assisting a criminal syndicate.</p> <p>Allows the use of a common name or identifying sign or symbol to be used to prove the existence of the gang or membership in the gang.</p> <p>Creates the offenses of Obstructing a criminal</p>

	<p>investigation and prosecution with the intent to further, promote or assist a gang and hindering prosecution with the intent to further, promote or assist a gang, class 3 felonies.</p> <p>The Department of Public Safety may enter into a contract with a qualified vendor to provide data monitoring and an alert system for criminal street gang members and registered sex offenders.</p> <p>In a bail hearing, proof that a person is a criminal street gang member may give rise to the inference that the person poses a substantial danger to another or the community and no condition or combination of conditions of release may be imposed to reasonably insure the safety of a person or community.</p> <p>Statute(s) Impacted: 13-604, 13-609, 13-1202, 13-1805, 13-2308, 13-2409, 13-2512</p> <p>Statute(s) Created: 13-2320, 13-3829</p> <p>Court Impact: Courts will need to be aware of the increased penalties for various offenses when the person charged is a criminal street gang member or when the offense involves promoting, furthering or assisting a criminal street gang. Courts must also be aware that, in a bail hearing, proof that the person is a criminal street gang member may give rise to the inference that the person poses a substantial danger to another person or the community and that no condition or combination of conditions of release may be imposed that will reasonably assure the safety of the other person or the community.</p>				
<p style="text-align: center;">Chapter 289</p> <p style="text-align: center;">SB1265</p> <p style="text-align: center;">Effective Date General</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #cccccc;">Item of interest to:</td> </tr> <tr> <td style="background-color: #e6e6ff;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </td> </tr> <tr> <td style="background-color: #ffffcc;"> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> </td> </tr> <tr> <td style="background-color: #ccffcc;"></td> </tr> </table>	Item of interest to:	<p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>		<p style="text-align: center;">BAILABLE OFFENSES; ILLEGAL IMMIGRATION Sen. Linda Gray</p> <p>Requires a law enforcement agency to inquire of a person and determine the person's country of citizenship within 24 hours of the person being brought to the agency for incarceration.</p> <p>Sets the standard of proof as to whether a person has entered or remained in the United States illegally for the purposes of being held without bail pursuant to Article II, Section 22 of the Constitution and A.R.S. §13-3961 at probable cause. Mandates the court consider certain enumerated factors in making a determination that a person entered or remained in the country illegally.</p> <p>The initial determination of whether an offense is</p>
Item of interest to:					
<p>Superior Court Clerk of Court Court Administrator Judge</p>					
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>					

	<p>bailable pursuant to A.R.S. §13-3961(A) must be made by the judicial officer at the initial appearance.</p> <p>The prosecutor must provide reasonable notice and an opportunity for victims and witnesses to be present and be heard at a hearing subsequent to the initial appearance to determine if a person charged with a felony poses a substantial danger or engaged in conduct constituting a violent offense and therefore should be held without bond as provided in A.R.S. §13-3961(D) and (E), formerly A.R.S. §13-3961(C) and (D).</p> <p>Statute(s) Impacted: 13-3906, 13-3961</p> <p>Court Impact: Courts must follow the Arizona Rules of Criminal Procedure, as recently modified by the supreme court, for cases that fall within the provisions of SB1265 and Proposition 100. These rules incorporate the statutory “probable cause” standard and eliminate mandatory timelines for subsequent hearings on bail issues. The new statute and rules require that a decision regarding bail status is to be made at the defendant’s initial appearance. If new evidence becomes available in the case, the rules permit either the prosecutor or defense counsel to request a subsequent hearing following a defendant’s initial appearance. The rules became effective during the first part of July 2007.</p>
<p style="text-align: center;">Chapter 290</p> <p style="text-align: center;"><u>SB1286</u></p> <p style="text-align: center;">Effective Date (see Summary)</p> <p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p style="text-align: center;">VICTIMS’ RIGHTS OMNIBUS Sen. Chuck Gray</p> <p>Requires adult probation officers to monitor the payment of restitution.</p> <p>Requires the clerk of the court to provide the prosecutor and court a monthly report listing defendants who are in default of restitution. Failure to pay restitution subjects a defendant to an order to show cause re: contempt.</p> <p>Probation may be extended five years for a felony and two years for a misdemeanor if restitution is still outstanding.</p> <p>Effective January 1, 2008, modifies the warning on an ex parte Order of Protection to state that the defendant will be subject to arrest and prosecuted for Interference with judicial proceedings and any other crime if the order is violated.</p> <p>Requires the agency with custody of the defendant to</p>

notify the victim and other designated persons, if known, on an Order of Protection if the defendant is released after being arrested for an IJP.

The prosecutor's office must provide a victim with notice of any continuance.

Effective December 1, 2007, a victim who requests notice of post-conviction or appellate proceedings shall receive immediate notice from the prosecutor of proceedings and any decisions that arise. A victim or victim's counsel who requests notice must receive a copy of the memorandum decision or opinion from the Supreme Court or the Court of Appeals concurrently with the parties.

Prohibits any victim contact or identifying information from becoming publicly accessible and requires victim contact information be redacted from a police report by the originating agency. This provision does not apply to: a victim's name, records transmitted between law enforcement, prosecutors and the court, records which the victim consented to release or the address or location at which the crime occurred.

Requires the court or clerk of the court to provide at no charge to a victim the minute entry or portion of the record arising out of the offense committed against the victim if reasonably necessary for the purpose of representation regarding a claimed victim's right.

Requires the prosecutor to make reasonable efforts to notify a victim of any request for a continuance. Requires the court, if the request for continuance is in writing and the victim is represented by counsel who files a notice of appearance, to make reasonable efforts to notify the victim's counsel of the request in the same manner as a party is notified. A continuance may only be granted if there are extraordinary circumstances and the delay is indispensable to the interests of justice and only for so long as is in the interest of justice. The reason for the continuance must be stated on the record. Does not apply to municipal and justice of the peace courts, however, the intent is that the extraordinary circumstances and interest of justice provisions apply to all courts.

Statute(s) Impacted: 12-253, 13-810, 13-812, 13-902, 13-3602, 13-4409, 13-4411, 13-4430, 13-4434, 13-4435, 39-127

Court Impact: Clerks of the court, trial courts, appellate courts, and probation will need to modify

	<p>business practices to fulfill the requirements of this bill, as stated. Continues the courts' ability to issue a summons or warrant for a defendant's appearance to show cause why payment of restitution has not been made. (Can be done on motion from prosecutor, any person entitled to restitution, or on the court's own motion.)</p> <p>Maintains the courts' ability to order garnishment for restitution. Directs the court to consider the victim's views and the victim's right to a speedy trial before ruling on a motion to continue. Requires general jurisdiction courts only to send notice of continuance (if the request for continuance is submitted in writing) to victims represented by counsel (who have filed a notice of appearance), as they would with other parties.</p>				
<p>Chapter 292</p> <p><u>SB1552</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <table border="1" style="width: 100%;"> <tr style="background-color: #e6e6ff;"> <td> </td> </tr> <tr style="background-color: #ffffcc;"> <td> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> </td> </tr> <tr style="background-color: #ccffcc;"> <td> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> </td> </tr> <tr> <td> </td> </tr> </table>		<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>		<p style="text-align: center;">AIR QUALITY PROGRAM Sen. Allen</p> <p>In pertinent part, requires Area A cities and towns, by March 31 2008, to adopt and enforce ordinances prohibiting the operation of vehicles on unpaved surfaces that are not public or private roads, streets or lawful easements if the land is closed. Classifies a violation as a Class 3 misdemeanor and specifies that a judge may also order the person to perform community restitution or complete an approved safety course on the operation of off-highway vehicles. From May 1 through September 30 each year, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire in an Area A city or town. Classifies a violation as a Class 1 misdemeanor.</p> <p>Statute(s) Created: 9-500.27</p> <p>Court Impact: A first offense "no burn" violation is subject to a minimum civil penalty of \$500 if it lasts less than 24 hours. Also establishes a new violation for operating an off-highway vehicle, an all-terrain vehicle or an off-road recreational vehicle on an unpaved surface in Area A during any high pollution advisory day for particulate matter, subject to a warning for the first violation and a civil penalty of \$50, \$100, and \$250 for second, third, and fourth or subsequent violations, respectively.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>					
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>					
<p>Chapter 295</p> <p><u>SB1623</u></p> <p>Effective Date</p>	<p style="text-align: center;">ELECTIONS; MANUAL AUDITS; REVISIONS Sen. Johnson</p> <p>In pertinent part, increases the crime of knowingly forging or counterfeiting returns of an election from a</p>				

<p style="text-align: center;">General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p style="background-color: #e0ffe0; padding: 2px;"> </p> <p style="background-color: #e0e0e0; padding: 2px;"> </p>	<p>Class 4 felony to a Class 3 felony.</p> <p>Expands the violation, Counterfeiting elections returns to include for knowingly substituting, forging, counterfeiting, changing or manipulating ballot tabulations or election results by electronic means or through the use of a computer, machine or other device. A violation is a Class 3 felony. A person convicted of Counterfeiting elections returns is prohibited from being automatically restored the right to vote. A person who unlawfully releasing information regarding vote tallies or the unauthorized possession of a tally sheet or summary is guilty of a Class 6 felony.</p> <p>Statute(s) Impacted: 16-550, 16-551, 16-602, 16-621, 16-1011</p> <p>Court Impact: Establishes 2 new felonies and reclassifies an existing felony regarding election law procedures.</p>
<p style="text-align: center;">Chapter 296</p> <p style="text-align: center;"><u>SB1640</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p style="background-color: #e0ffe0; padding: 2px;"> </p> <p style="background-color: #e0e0e0; padding: 2px;"> </p>	<p style="text-align: center;">FOREIGN MOTOR CARRIERS Sen. Verschoor</p> <p>In pertinent part, expands the jurisdiction of municipal and justice courts to include concurrent jurisdiction over all misdemeanor traffic violations listed in Title 28, Chapters 5, 11, 14, and 15 and Class 2 and 3 misdemeanor violations in Chapter 25.</p> <p>Statute(s) Impacted: 28-1552, 28-6355</p> <p>Statute(s) Created: 28-5244</p> <p>Court Impact: Places the following restrictions on motor carriers, all of which can constitute a class 1 or 2 misdemeanor or class 6 felony, under existing A.R.S. sec. 28-5240 (depending on the number of previous offenses): prohibits foreign motor carriers from operating in Arizona without a certificate of registration in the vehicle or refusing to show the certificate to a peace officer or an employee of the Department of Transportation; prohibits foreign carriers from operating outside the restrictions in the registration certificate; prohibits foreign carriers from providing point to point transportation services for any goods other than international goods; requires foreign carrier vehicles to be inspected by a commercial vehicle safety alliance certified inspector every three months; requires foreign carrier vehicles to display a safety inspection decal for at least three years after receiving permanent operating authority; prohibits interstate carriers from operating without or outside the</p>

bounds of a registration certificate.

Expands the jurisdiction of municipal and justice courts to include the following misdemeanor criminal violations in Title 28:

1. failing to notify the Motor Vehicle Department of a name or address change
2. injuring or preventing operation of a vehicle
3. committing a traffic violation while transporting hazardous material
4. directing or knowingly permitting an employee or driver to violate the law
5. illegally canceling a traffic citation
6. failing to stop or present identification when requested by a peace officer
7. failing to notify law enforcement of the previous location of a towed vehicle
8. failing to report that a vehicle is lost, stolen, abandoned, unclaimed or seized
9. failing to report that a vehicle is abandoned in a public garage or parking lot
10. refusing to permit inspection of a vehicle
11. violating motor carrier regulations
12. operating a motor carrier under an out-of-service order
13. operating an overweight vehicle
14. violating gross weight restrictions with regard to fees
15. dumping trash on highways or airports
16. constructing an unauthorized bridge or dam
17. failing to construct, maintain or repair a bridge as required by law
18. violating regulations pertaining to aircraft operations
19. failing to provide an affidavit of total loss of an aircraft to the Arizona Department of Transportation

Removes language that limits municipal and justice court jurisdiction to specific chapters in Title 28, thereby allowing courts to rule on violations in the entire title.

DOMESTIC VIOLENCE	
<p style="text-align: center;">Chapter 58</p> <p style="text-align: center;"><u>SB1424</u></p> <p style="text-align: center;">Effective Date General</p>	<p style="text-align: center;">AGGRAVATED DOMESTIC VIOLENCE Sen. Bee</p> <p>Increases the look-back period in which a third or subsequent domestic violence offense becomes an aggravated domestic violence offense from 60 months to 84 months, similar to the Aggravated DUI statute.</p> <p>Statute(s) Impacted: 13-3601.02</p> <p>Court Impact: May require modification of the written notice (required by A.R.S. sec. 13-3601(M)) or any supplemental oral notice provided to a defendant who is found guilty of a first or second domestic violence offense. May require modification of the Limited Jurisdiction Court Records Retention Schedule to require that courts retain domestic violence misdemeanor records for 7 years instead of the current 5 years.</p>
<p>Item of interest to:</p> <div style="background-color: #E6E6FA; padding: 2px;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </div> <div style="background-color: #FFFFE0; padding: 2px;"> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> </div> <div style="background-color: #E0FFE0; padding: 2px;"> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> </div>	
<p style="text-align: center;">Chapter 100</p> <p style="text-align: center;"><u>SB1227</u></p> <p style="text-align: center;">Effective Date General</p>	<p style="text-align: center;">DOMESTIC VIOLENCE; LEASE TERMINATION Sen. Bee</p> <p>In pertinent part, permits a tenant to terminate a rental agreement for being a victim of domestic violence if written notice is provided within 30 days to a landlord and a request is made to be released from the rental agreement. The victim must provide the landlord with either a copy of any protective order or a copy of a written departmental report from a law enforcement agency that states that the tenant notified the law enforcement agency that the tenant was a victim of domestic violence. The landlord may request a receipt or signed statement that an order of protection has been submitted to an authorized officer of the court for service as well as the name and address of the person named if known by the victim. A person named in the departmental report or the order of protection who provokes an early lease termination is deemed to have interfered with the residential rental agreement between the landlord and tenant, and may be civilly liable for all economic losses incurred by a landlord, including unpaid rent, early lease termination fees, costs to repair damage to the premises and any reductions or waivers of rent for the domestic violence early lease termination. An emergency order of protection or protective order issued to a resident of a rental property automatically applies to the entire residential rental property</p>
<p>Item of interest to:</p> <div style="background-color: #E6E6FA; padding: 2px;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </div> <div style="background-color: #FFFFE0; padding: 2px;"> </div> <div style="background-color: #E0FFE0; padding: 2px;"> </div>	

	<p>in which the tenant has a rental agreement.</p> <p>Statute(s) Impacted: 33-1361</p> <p>Statute(s) Created: 33-1318</p> <p>Court Impact: Courts should be aware of the effect of this bill on landlord/tenant issues when issuing a protective order, including that a protective order or emergency protective order applies to the entire residential rental property in which the tenant has a rental agreement. The factual situations contemplated by this bill likely will be raised as an argument in some landlord-tenant proceedings, so courts should be familiar with the rights and obligations of all parties. Courts may begin to see separate civil proceedings for damages filed under the provisions of this bill.</p>
<p>Chapter 141</p> <p><u>SB1006</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Judge</p> <p>Municipal Court Judge/Magistrate</p>	<p>PUBLIC RECORDS; CONFIDENTIALITY Sen. Waring</p> <p>Adds probation officers, among others, to the list of persons who may request redaction of personal identifying information, such as home address and phone numbers, from records maintained by the county assessor, recorder or treasurer or by the state Department of Transportation. Probation officers were already included in the statutes under different language.</p> <p>Statute(s) Impacted: 11-483, 11-484, 16-153, 28-454, 39-123, 39-124</p> <p>Court Impact: Judges and commissioners now will be able to have their addresses and phone numbers in MVD records protected from public inspection. Will require the AOC to revise the mandatory affidavit forms filed by eligible parties with the presiding judge of their county of residence. The AOC is working with MVD to identify the information needed on the affidavit to be able to match names with records. The AOC also is working with MVD on developing one or more automated reporting options to enable clerks to transmit the necessary information electronically. However, since electronic reporting options may not be available for some time, a paper-based protocol is being developed. Presiding judges are likely to see a substantially greater number of these affidavits being filed.</p>
<p>Chapter 290</p> <p><u>SB1286</u></p> <p>Effective Date (see Summary)</p>	<p>VICTIMS' RIGHTS OMNIBUS Sen. Chuck Gray</p> <p>Requires adult probation officers to monitor the payment of restitution.</p> <p>Requires the clerk of the court to provide the prosecutor and court a monthly report listing defendants who are in default</p>

<p>Item of interest to:</p>	<p>of restitution. Failure to pay restitution subjects a defendant to an order to show cause re: contempt.</p>
<p>Superior Court Chief Probation Officer Clerk of Court Court Administrator Judge</p>	<p>Probation may be extended five years for a felony and two years for a misdemeanor if restitution is still outstanding.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>Effective January 1, 2008, modifies the warning on an ex parte Order of Protection to state that the defendant will be subject to arrest and prosecuted for Interference with judicial proceedings and any other crime if the order is violated.</p>
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Requires the agency with custody of the defendant to notify the victim and other designated persons, if known, on an Order of Protection if the defendant is released after being arrested for an IJP.</p>
<p>Administrative Office of the Courts</p>	<p>The prosecutor's office must provide a victim with notice of any continuance.</p>
	<p>Effective December 1, 2007, a victim who requests notice of post-conviction or appellate proceedings shall receive immediate notice from the prosecutor of proceedings and any decisions that arise. A victim or victim's counsel who requests notice must receive a copy of the memorandum decision or opinion from the Supreme Court or the Court of Appeals concurrently with the parties.</p> <p>Prohibits any victim contact or identifying information from becoming publicly accessible and requires victim contact information be redacted from a police report by the originating agency. This provision does not apply to: a victim's name, records transmitted between law enforcement, prosecutors and the court, records which the victim consented to release or the address or location at which the crime occurred.</p> <p>Requires the court or clerk of the court to provide at no charge to a victim the minute entry or portion of the record arising out of the offense committed against the victim if reasonably necessary for the purpose of representation regarding a claimed victim's right.</p> <p>Requires the prosecutor to make reasonable efforts to notify a victim of any request for a continuance. Requires the court, if the request for continuance is in writing and the victim is represented by counsel who files a notice of appearance, to make reasonable efforts to notify the victim's counsel of the request in the same manner as a party is notified. A continuance may only be granted if there are extraordinary circumstances and the delay is indispensable to the interests of justice and only for so long as is in the interest of justice. The reason for the continuance must be stated on the record. Does not apply to municipal and</p>

justice of the peace courts, however, the intent is that the extraordinary circumstances and interest of justice provisions apply to all courts.

Statute(s) Impacted: 12-253, 13-810, 13-812, 13-902, 13-3602, 13-4409, 13-4411, 13-4430, 13-4434, 13-4435, 39-127

Court Impact: Clerks of the court, trial courts, appellate courts, and probation will need to modify business practices to fulfill the requirements of this bill, as stated. Continues the courts' ability to issue a summons or warrant for a defendant's appearance to show cause why payment of restitution has not been made. (Can be done on motion from prosecutor, any person entitled to restitution, or on the court's own motion.)

Maintains the courts' ability to order garnishment for restitution. Directs the court to consider the victim's views and the victim's right to a speedy trial before ruling on a motion to continue. Requires general jurisdiction courts only to send notice of continuance (if the request for continuance is submitted in writing) to victims represented by counsel (who have filed a notice of appearance), as they would with other parties.

FAMILY LAW	
<p style="text-align: center;">Chapter 14</p> <p style="text-align: center;"><u>HB2214</u></p> <p style="text-align: center;">Effective Date General</p> <div style="border: 1px solid black; padding: 2px;"> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; padding: 2px;"> <p>Superior Court Clerk of Court Court Administrator</p> </div> <div style="background-color: #FFFFE0; padding: 2px; height: 15px;"></div> <div style="background-color: #E0FFE0; padding: 2px; height: 15px;"></div> <div style="background-color: #D3D3D3; padding: 2px; height: 15px;"></div> </div>	<p style="text-align: center;">DOMESTIC RELATIONS; SOCIAL SECURITY NUMBERS Rep. Hershberger</p> <p>Removes the requirement to include social security numbers from pleadings, petitions and other documents related to child support. The party must file the social security numbers of each party and the affected children in the records of the proceeding through a sensitive data sheet. The court must include this information in the state case registry, complying with Arizona Rules of Family Law relating to sensitive data. Allows redaction of social security numbers for filed petitions related to child support enforcement from another state. Orders of assignment would require the social security numbers of the obligated person.</p> <p>Statute(s) Impacted: 25-314, 25-501, 25-502, 25-504, 25-806, 25-812, 25-1251, 25-1302</p> <p>Court Impact: Courts will need to make a sensitive data sheet (Arizona Rules of Family Law Procedure, Form 3) available to parties in family law proceedings to enter social security numbers. Courts will need to maintain these sheets separately. Courts are responsible for entering the social security numbers in the state case registry. Courts may choose to redact social security numbers from the following documents:</p> <ul style="list-style-type: none"> Petitions and any accompanying documents seeking to establish a support order. Petitions to establish paternity and maternity. Petitions to register or modify a support order of another state. Support orders from another state. Income withholding orders from another state.
<p style="text-align: center;">Chapter 42</p> <p style="text-align: center;"><u>HB2211</u></p> <p style="text-align: center;">Effective Date General</p> <div style="border: 1px solid black; padding: 2px;"> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; padding: 2px;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </div> </div>	<p style="text-align: center;">CHILDREN; TEMPORARY COURT ORDERS Rep. Hershberger</p> <p>Permits the courts to issue a temporary order regarding custody and parenting time, pending judicial determination of paternity. Courts may later revoke or modify the temporary order when the final order is entered or the petition dismissed.</p> <p>Statute(s) Impacted: 25-817</p> <p>Court Impact: May require additional steps in hearing and processing a temporary order in paternity proceedings.</p>

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<p style="text-align: center;">Chapter 72</p> <p style="text-align: center;"><u>HB2212</u></p> <p style="text-align: center;">Effective Date Delayed 01/01/2008</p> <p>Item of interest to:</p> <div style="background-color: lightblue; padding: 2px;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </div> <div style="background-color: yellow; height: 15px; margin-top: 2px;"></div> <div style="background-color: lightgreen; height: 15px; margin-top: 2px;"></div> <div style="background-color: lightgrey; padding: 2px;"> <p>Administrative Office of the Courts</p> </div>	<p style="text-align: center;">SIBLING INFORMATION EXCHANGE PROGRAM Rep. Hershberger</p> <p>Establishes a sibling information exchange program to facilitate contact between former dependent children and their siblings. Former dependent children at least 18 years old, parents of former dependent children under eighteen and siblings of former dependent children may participate in the program or file an affidavit to opt out of contact. Defines a former dependent child as “a person who was adjudicated a dependent child in a dependency proceeding pursuant to this chapter that has been dismissed by order of the juvenile court”. Notification of the program is required at the conclusion of an adoption proceeding and at the conclusion of a dependency proceeding when the court finds the child is no longer a dependent child. Notification of the program may be given to the former dependant child specific to the hearing or to an individual with legal custody of the former dependent child. The Supreme Court may establish rules necessary to implement the program.</p> <p>Statute(s) Impacted: 8-116, 8-135, 8-501, 8-847, 8-872</p> <p>Statute(s) Created: 8-543</p> <p>Court Impact: The court will need to provide information about the Sibling Information Exchange Program to the appropriate persons during the stated proceedings. The court must provide written notice of the Sibling Information Exchange Program before dismissing a dependency proceeding if the court finds that a child is no longer dependent. The court may begin to see affidavits regarding contact by siblings filed and withdrawn by former dependent children, since a former dependent child who does not want to be contacted by their sibling(s) may file an affidavit with the court in order to prevent contact (through a confidential intermediary) by a sibling. The affidavit may be withdrawn, in writing.</p>
<p style="text-align: center;">Chapter 73</p> <p style="text-align: center;"><u>HB2250</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: lightblue; height: 15px; margin-top: 2px;"></div>	<p style="text-align: center;">DOMESTIC RELATIONS; CHILD SUPPORT; COMMITTEES Rep. Hershberger</p> <p>Authorizes the Director of the Administrative Office of the Courts and an administrative officer of the Supreme Court who is appointed by the Chief Justice to appoint a designee to sit on the Domestic Relations Committee. Continues the Child Support Committee through December 31, 2017.</p>

<p style="background-color: yellow; height: 15px; margin-bottom: 5px;"></p> <p style="background-color: lightgreen; height: 15px; margin-bottom: 5px;"></p> <p style="background-color: gray; height: 15px;"></p>	<p>Statute(s) Impacted: 25-323.01, 25-323.02</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 87</p> <p style="text-align: center;"><u>HB2215</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of Interest to:</p> <p style="background-color: lightblue; padding: 2px;">Superior Court Clerk of Court Court Administrator Judge</p> <p style="background-color: yellow; height: 15px; margin-top: 5px;"></p> <p style="background-color: lightgreen; height: 15px; margin-top: 5px;"></p> <p style="background-color: gray; height: 15px; margin-top: 5px;"></p>	<p style="text-align: center;">RETIREMENT PLANS; DOMESTIC RELATIONS ORDERS Rep. McClure</p> <p>Clarifies procedures and responsibilities regarding domestic relations orders (DRO) in PSPRS, CORP and EORP. Allows a court to issue a DRO making a portion of a participant's retirement benefits from EORP payable to a spouse or former spouse.</p> <p>Statute(s) Impacted: 38-801, 38-842, 38-881</p> <p>Statute(s) Created: 38-822, 38-860, 38-910</p> <p>Court Impact: To qualify as a plan approved domestic relations order, a domestic relations order must comply with any policies or procedures adopted by the plan and must also meet the requirements of A.R.S. 38-822(B)1-7.</p>
<p style="text-align: center;">Chapter 100</p> <p style="text-align: center;"><u>SB1227</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p style="background-color: lightblue; padding: 2px;">Superior Court Clerk of Court Court Administrator Judge</p> <p style="background-color: yellow; height: 15px; margin-top: 5px;"></p> <p style="background-color: lightgreen; height: 15px; margin-top: 5px;"></p> <p style="background-color: gray; height: 15px; margin-top: 5px;"></p>	<p style="text-align: center;">DOMESTIC VIOLENCE; LEASE TERMINATION Sen. Bee</p> <p>In pertinent part, permits a tenant to terminate a rental agreement for being a victim of domestic violence if written notice is provided within 30 days to a landlord and a request is made to be released from the rental agreement. The victim must provide the landlord with either a copy of any protective order or a copy of a written departmental report from a law enforcement agency that states that the tenant notified the law enforcement agency that the tenant was a victim of domestic violence. The landlord may request a receipt or signed statement that an order of protection has been submitted to an authorized officer of the court for service as well as the name and address of the person named if known by the victim. A person named in the departmental report or the order of protection who provokes an early lease termination is deemed to have interfered with the residential rental agreement between the landlord and tenant, and may be civilly liable for all economic losses incurred by a landlord, including unpaid rent, early lease termination fees, costs to repair damage to the premises and any reductions or waivers of rent for the domestic violence early lease termination. An emergency order of protection or protective order issued to a resident of a rental property automatically applies to the entire residential rental property in which the tenant has a rental agreement.</p> <p>Statute(s) Impacted: 33-1361</p>

	<p>Statute(s) Created: 33-1318</p> <p>Court Impact: Courts should be aware of the effect of this bill on landlord/tenant issues when issuing a protective order, including that a protective order or emergency protective order applies to the entire residential rental property in which the tenant has a rental agreement. The factual situations contemplated by this bill likely will be raised as an argument in some landlord-tenant proceedings, so courts should be familiar with the rights and obligations of all parties. Courts may begin to see separate civil proceedings for damages filed under the provisions of this bill.</p>
<p>Chapter 126</p> <p><u>HB2393</u></p> <p>Effective Date General</p> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p></p> <p></p> <p></p>	<p>SPECIAL EDUCATION; SURROGATE PARENTS Rep. Crandall</p> <p>Allows the Department of Education, in addition to a court with the appropriate jurisdiction, to appoint a surrogate parent for a child in need of special education. As allowed by state and federal law, the Department must notify the court if a surrogate parent is appointed.</p> <p>Statute(s) Impacted: 15-791, 15-763.01</p> <p>Court Impact: Courts will see fewer requests for the appointment of surrogate parents. Generally, the ADE will now need to notify the court if the ADE appoints a surrogate parent for a ward of the state as it relates to a child with a disability.</p>
<p>Chapter 156</p> <p><u>SB1158</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Judge</p> <p></p> <p></p> <p></p>	<p>CPS; INVESTIGATIONS; OTHER JURISDICTIONS Sen. Leff</p> <p>In an action to terminate parental rights, preliminary protective hearing, dependency or permanency hearing the court is required to consider any substantiated allegations of abuse or neglect committed in another jurisdiction. If a Child Protective Services worker conducting an investigation is made aware of an allegation of abuse or neglect made in another state, the worker must attempt to determine the outcome of any investigation.</p> <p>Statute(s) Impacted: 8-533, 8-802, 8-825, 8-844, 8-862</p> <p>Court Impact: Alters the evidentiary considerations in parent-child termination proceedings at preliminary protective hearings, dependency adjudication hearings, and permanency hearings.</p>
<p>Chapter 166</p> <p><u>SB1357</u></p> <p>Effective Date</p>	<p>DISSOLUTION OF MARRIAGE; ATTORNEY FEES Sen. McCune-Davis</p> <p>Requires the court to outline the specific findings relating to fees awarded in child support and dissolution of marriage</p>

<p style="text-align: center;">General</p> <hr/> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <hr/> <hr/> <hr/>	<p>hearings.</p> <p>Statute(s) Impacted: 25-324</p> <p>Court Impact: Requires the court, in dissolution of marriage proceedings and child custody and visitation proceedings, to make specific findings concerning the portion of any award of fees and expenses that is based on consideration of financial resources and that is based on consideration of reasonableness of positions</p>
<p style="text-align: center;">Chapter 181</p> <p style="text-align: center;"><u>HB2594</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Judge</p> <hr/> <hr/> <hr/>	<p style="text-align: center;">DOMESTIC RELATIONS; SUPPORT JUDGMENTS; INTEREST Rep. Hershberger</p> <p>Excludes past child support ordered by the court from accruing interest for any period of time prior to the initial support order.</p> <p>Statute(s) Created: 25-515</p> <p>Court Impact: Interest may not be assessed on any portion of a judgment for past support that accrued prior to the time an order for support was issued.</p>
<p style="text-align: center;">Chapter 194</p> <p style="text-align: center;"><u>SB1247</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of Interest to:</p> <p>Superior Court Judge</p> <hr/> <hr/> <hr/>	<p style="text-align: center;">SUPPORT; MAINTENANCE; HOMESTEAD EXEMPTION Sen. Johnson</p> <p>Exempts liens for child support or spousal maintenance arrearages from the homestead exemption protection. Specifies that in a contempt proceeding to enforce the payment of child support or spousal maintenance, the court can consider the amount covered by the homestead exemption as a resource from which the obligor has the ability to pay.</p> <p>Statute(s) Impacted: 33-964, 33-1103</p> <p>Court Impact: An award of court-ordered support qualifies as a lien if either the arrearage has been reduced to judgment, a lien has been filed by the Department of Economic Security because the obligor is at least two months in arrears, or the court orders a specific security interest in the property for support. Courts will need to be aware of the effect of a judgment for child support or spousal maintenance arrearages upon the obligor's interest in real property as well as the evidentiary standard pertaining to a homestead exemption claim in a contempt proceeding.</p>

Chapter 202

[HB2635](#)

Effective Date
General

Item of Interest to:

Superior Court
Clerk of Court
Court Administrator
Judge

CUSTODIAL RIGHTS; DEPLOYED MILITARY
Rep. Hershberger

Requires a custody decree or order that a court enters in contemplation of or during the military deployment of a custodial parent outside of the continental United States to specifically reference the deployment. The decree or order must include provisions governing the custody of the minor child after the deployment ends. Either parent may file a petition with the court after the deployment ends to modify the decree or order and the court must hold a hearing or conference on the petition within 30 days after the petition is filed. If Arizona is the home state of a child at the time of the military deployment of that child's custodial parent outside of the United States and the child is relocated outside of the United States during the deployment, Arizona remains the home state of the child until the deployment ends.

Statute(s) Impacted: 25-411

Statute(s) Created: 25-1013

Court Impact: Codifies certain standards and requirements for child custody orders pertaining to military deployment.

Chapter 211

[SB1205](#)

Effective Date
General

Item of Interest to:

Superior Court
Clerk of Court
Court Administrator
Judge

BIRTH CERTIFICATES; DELAYED REGISTRATION
Sen. Allen

Allows a person, or parent or guardian of a minor, who was refused a delayed birth certificate, to petition the Superior or Tribal Court for an order establishing a record of that person's date of birth, place of birth and parentage. Prohibits the state registrar from creating a delayed birth certificate if the information and evidentiary documents submitted to support a delayed birth certificate are inaccurate, incomplete or do not support the request. The person requesting the delayed birth certificate must be notified by the registrar of any reason for refusal and be advised of the right to petition for a court order. The petitioner must provide the court copies of the information and evidentiary documents originally submitted in the request for a delayed birth certificate, and a copy of the refusal notification. The court must set a date, time and place for a hearing of the petition, and notify the petitioner and the state registrar at least twenty days in advance of the hearing, at which the state registrar may appear and testify. Permits the court to issue an order for the creation and registration of a delayed birth certificate if the evidence presented supports the delayed birth certificate and requires that the order be forwarded to the state registrar no later than the tenth day of the calendar month following the month in which it was issued. The state registrar then must create and register a delayed birth certificate based on information contained in the court order.

	<p>Statute(s) Impacted: 36-333.02</p> <p>Statute(s) Created: 36-333.03</p> <p>Court Impact: Courts will need to be aware of the statutory procedures for creation and registration of a delayed birth certificate that has been denied by the state registrar. If the court finds that the evidence presented for the petitioner supports the creation and registration of a delayed birth certificate, the court must establish the facts of birth, including parentage and any other findings that may be required, and shall issue an order to create and register a delayed birth certificate on a form provided by the state registrar. The clerk of court must forward the order to the state registrar no later than the tenth day of the calendar month following the month in which the court order was issued.</p>
<p>Chapter 246</p> <p><u>HB2249</u></p> <p>Effective Date General</p> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>CHILD SUPPORT ENFORCEMENT Rep. Hershberger</p> <p>Authorizes a Title IV-D agency (would normally be the Department of Economic Security) involved in a child support case to suspend a professional or occupational license issued by any state agency to a child support obligor if the obligor is more than six month in arrears. The court is required to order the suspension of a person's driver or recreational license if the person is six months, instead of two months, in arrears in child support. If a Title IV-D agency is listed as a lien holder on a child support lien and the judgment is satisfied the agency can under certain circumstances release the lien.</p> <p>Statute(s) Impacted: 25-517, 25-518, 33-964</p> <p>Court Impact: Court involvement in proceedings to suspend a driver's license for non-payment of child support will now be limited to cases in which the obligor is at least six months in arrears instead of two months, as currently. Removes the requirement that the court send a certificate of noncompliance to the board or agency ordering the suspension or denial of a driver's license or recreational license if the court finds from the evidence presented at a hearing to enforce a child support order that the obligor failed without reasonable cause to comply with a child support subpoena or arrest warrant. The court will no longer have a direct role in proceedings to suspend a professional or occupational license for non-payment of child support.</p>

GOVERNMENT	
<p style="text-align: center;">Chapter 21</p> <p style="text-align: center;"><u>SB1039</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFE0; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; border: 1px solid black; height: 15px;"></div>	<p style="text-align: center;">ARIZONA CRIMINAL JUSTICE COMMISSION; CONTINUATION Sen. Chuck Gray</p> <p>Continues the Arizona Criminal Justice Commission until July 1, 2017.</p> <p>Statute(s) Created: 41-3017.07</p> <p>Statute(s) Repealed: 41-3007.07</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 26</p> <p style="text-align: center;"><u>SB1056</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; border: 1px solid black; padding: 2px;"> <p>Superior Court Clerk of Court</p> </div> <div style="background-color: #FFFFE0; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; border: 1px solid black; height: 15px;"></div>	<p style="text-align: center;">MARRIAGE LICENSES; LOCAL COURT CLERKS Sen. Tibshraeny</p> <p>Expands the list of individuals who may issue a marriage license to include a city or town court clerk if the city or town is more than four miles from the county seat.</p> <p>Statute(s) Impacted: 25-127</p> <p>Court Impact: Authorizes a city court clerk to perform marriage-related duties, if certain criteria are met.</p>
<p style="text-align: center;">Chapter 27</p> <p style="text-align: center;"><u>SB1061</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFE0; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; border: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; border: 1px solid black; height: 15px;"></div>	<p style="text-align: center;">AUTOMOBILE THEFT AUTHORITY; CONTINUATION Sen. Gorman</p> <p>Continues the Arizona Automobile Theft Authority to July 1, 2012.</p> <p>Statute(s) Created: 41-3012.07</p> <p>Statute(s) Repealed: 41-3007.10</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 33</p>	<p style="text-align: center;">PUBLIC SAFETY EMPLOYEES; DISEASE TESTING Sen. Tibshraeny</p>

<p style="text-align: center;"><u>SB1170</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Adds any employee or volunteer of a state or local law enforcement agency to the list of individuals who may petition the court for an order authorizing testing of another person for a blood disease. Clarifies a correctional service officer refers to both adult and juvenile officers and places all eligible persons under the definition of public safety employee or volunteer.</p> <p>Statute(s) Impacted: 13-1210</p> <p>Court Impact: May result in more petitions for medical testing being filed. These petitions must be heard promptly.</p>
<p style="text-align: center;">Chapter 54</p> <p style="text-align: center;"><u>SB1231</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p>	<p style="text-align: center;">GLOBAL POSITION SYSTEM MONITORING; COMMITTEE Sen. Waring</p> <p>Re-establishes the Joint Legislative Study Committee on Global Positioning System Monitoring and requires the Committee to provide a report by Dec. 1, 2008 to the Governor, Speaker of the House and President of the Senate.</p> <p>Statute(s) Impacted: none</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 79</p> <p style="text-align: center;"><u>HB2457</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator Judge</p>	<p style="text-align: center;">FIREARMS; PEACE OFFICERS Rep. Pearce</p> <p>Restricts this state, a county, city, town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with the Arizona Police Officer Training and Standards Board firearm requirements. A number of exceptions are made, including a prohibition by order of the presiding judge or justice on carrying firearms while attending any court, unless the peace officer is providing security or responding to an emergency. Does not create a civil liability for acting or failing to act.</p> <p>Statute(s) Created: 38-1102</p>

	<p>Court Impact: A court that wishes to prohibit a peace officer from carrying a firearm into court should issue an administrative order using the language of this bill. A peace officer may be prohibited from carrying a firearm by order of a judge when attending any court, except if the peace officer is providing security or responding to an emergency, and under certain other specific conditions.</p>
<p>Chapter 118</p> <p><u>HB2209</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Court Administrator Judge</p> <p>Justice of the Peace Court Court Administrator Judge</p> <p>Municipal Court Court Administrator Judge/Magistrate</p>	<p>LAW ENFORCEMENT OFFICERS; MISCONDUCT INTERVIEWS Rep. Adams</p> <p>Prior to a misconduct interview that a law enforcement or probation department believes may result in dismissal, demotion or suspension of an officer, the employer must provide written notice informing the officer of the specific nature of the investigation, the officer's status in the investigation, any known allegations of misconduct that are the reason for the interview and the officer's right to have a representative at the interview. The employer is not required to stop an interview and issue another notice for allegations based on information provided by the employee during an interview or to disclose any fact that would impede the investigation.</p> <p>Statute(s) Impacted: 38-1101</p> <p>Court Impact: Courts that hire probation officers will need to abide by these requirements with regard to misconduct interviews.</p>
<p>Chapter 135</p> <p><u>SB1344</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p></p> <p></p> <p></p> <p></p>	<p>DRUG AND GANG ENFORCEMENT ACCOUNT Sen. Chuck Gray</p> <p>Increases the maximum percentage of monies in the Drug and Gang Enforcement Account that can be distributed for investigation of drug and gang-related crimes from 30% to 50% and states that the monies are also to be used in prevention of drug and gang activity. Up to 30% that funds programs by county sheriffs is now shared with the Department of Corrections, as approved by the Arizona Criminal Justice Commission, to enhance drug offender treatment programs. Up to 30% is to fund programs and agencies, as approved by the Commission, to enhance the integration of criminal justice records relating to drug and gang offenders and their related criminal activity.</p> <p>Statute(s) Impacted: 41-2402</p> <p>Court Impact: Informational.</p>
<p>Chapter 140</p> <p><u>SB1619</u></p>	<p>PRISONERS; RESTITUTION PAYMENTS Sen. Verschoor</p>

<p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p></p> <p></p> <p></p>	<p>Requires the Department of Corrections to withdraw between 20% and 50% each month from a prisoner's spendable or trust fund or retention account for restitution if the restitution is ordered by the court.</p> <p>Statute(s) Impacted: 31-230, 31-254, 31-261</p> <p>Court Impact: Informational.</p>
<p>Chapter 141</p> <p><u>SB1006</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Judge</p> <p>Municipal Court Judge/Magistrate</p>	<p>PUBLIC RECORDS; CONFIDENTIALITY Sen. Waring</p> <p>Adds probation officers, among others, to the list of persons who may request redaction of personal identifying information, such as home address and phone numbers, from records maintained by the county assessor, recorder or treasurer or by the state Department of Transportation. Probation officers were already included in the statutes under different language.</p> <p>Statute(s) Impacted: 11-483, 11-484, 16-153, 28-454, 39-123, 39-124</p> <p>Court Impact: Judges and commissioners now will be able to have their addresses and phone numbers in MVD records protected from public inspection. Will require the AOC to revise the mandatory affidavit forms filed by eligible parties with the presiding judge of their county of residence. The AOC is working with MVD to identify the information needed on the affidavit to be able to match names with records. The AOC also is working with MVD on developing one or more automated reporting options to enable clerks to transmit the necessary information electronically. However, since electronic reporting options may not be available for some time, a paper-based protocol is being developed. Presiding judges are likely to see a substantially greater number of these affidavits being filed.</p>
<p>Chapter 143</p> <p><u>SB1085</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator</p>	<p>CONSTABLE ETHICS STANDARDS AND TRAINING Sen. Verschoor</p> <p>Establishes the Constable Ethics Standards and Training Board and the Constable Ethics Standards and Training Fund in place of the Constable Ethics Committee and related fund and transfers any remaining fund balance. Alters formula for computing certified mileage calculations for constables in a county with a population or more than three million persons. The clerk of those courts is to calculate the mileage as provided in statute.</p>

<p>Justice of the Peace Court Court Administrator Judge</p>	<p>Statute(s) Impacted: 11-445, 22-131, 22-132, 22-136</p> <p>Statute(s) Created: 22-137, 22-138</p> <p>Court Impact: Maricopa County Justice Courts will need to adjust the amount of certified mileage calculations paid to constables as indicated.</p>
<p>Chapter 163</p> <p><u>SB1331</u></p> <p>Effective Date General</p>	<p>CRIMINAL JUSTICE COMMISSION; POWERS; DUTIES Sen. Chuck Gray</p> <p>Transfers administrative responsibilities related to maintaining the Criminal Justice Information System, including rule and policy-making authority, from the Arizona Criminal Justice Commission to the Department of Public Safety.</p>
<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Statute(s) Impacted: 41-2405</p> <p>Court Impact: Informational.</p>
<p>Chapter 177</p> <p><u>SB1639</u></p> <p>Effective Date General</p>	<p>NOTARIES; CITIZENSHIP REQUIREMENT Sen. Johnson</p> <p>Requires a notary public to be a citizen or a legal permanent resident of the United States.</p>
<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator</p> <p>Justice of the Peace Court Court Clerk Court Administrator</p> <p>Municipal Court Court Clerk Court Administrator</p>	<p>Statute(s) Impacted: 41-312</p> <p>Court Impact: Informational.</p>
<p>Chapter 192</p>	<p>CRIMINAL CASE INFORMATION; DISCLOSURE Sen. Chuck Gray</p>

<p style="text-align: center;"><u>SB1167</u></p> <p style="text-align: center;">Effective Date (See Summary)</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>Requires the clerk of the superior court, on or after January 1, 2008, in counties with a population of two million or more persons, to electronically publish all criminal case minute entries, which must be arranged or searchable by case name, number, and the name of the judge or commissioner. Beginning January 1, 2010, the clerk of a superior court in a county with a population of less than two million persons must begin compiling and electronically publishing all superior court case minute entries, which shall be arranged and searchable at a minimum by case name, number and the name of the judge or commissioner.</p> <p>Statute(s) Impacted: 12-283</p> <p>Court Impact: The clerks of the court must post criminal case minute entries, online, by the stated dates.</p>
<p style="text-align: center;">Chapter 197</p> <p style="text-align: center;"><u>SB1326</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p>	<p style="text-align: center;">CONCURRENT JURISDICTION; BARRY GOLDWATER RANGE Sen. Leff</p> <p>Expands the area of land granted concurrent criminal jurisdiction to include lands administered by Department of Defense and its successor land management agency, consisting of the Barry M. Goldwater Range.</p> <p>Statute(s) Impacted: 37-620</p> <p>Court Impact: Informational. Grants the United States concurrent jurisdiction to enforce state law on the Barry M. Goldwater Range if certain conditions are met.</p>
<p style="text-align: center;">Chapter 210</p> <p style="text-align: center;"><u>HB2726</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p style="text-align: center;">COMMUNICATION SERVICE RECORDS; UNAUTHORIZED USE Rep. Farnsworth</p> <p>Prohibits the procurement and sale of public utility records and communication service records through unauthorized, fraudulent or deceptive means, with certain exceptions. Prohibits the unauthorized use of personal information from a telephone record, public utility record or communication service record in a judicial, administrative, legislative or other proceeding, with certain exceptions.</p> <p>Statute(s) Impacted: 44-1376, 44-1376.01, 44-1376.02, 44-1376.04</p> <p>Court Impact: Violation is a class 1 misdemeanor under existing A.R.S. sec. 44-1376.05. A customer whose communication service records or public utility records are procured, sold or received in violation of the record requirements may pursue injunctive relief, damages, and attorney fees. Alters evidentiary standards pertaining to public utility, communication service, and telephone records</p>

	in court proceedings.
<p>Chapter 221</p> <p><u>SB1546</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>CONDOMINIUM RECOVERY FUND Sen. Chevront</p> <p>Establishes a Condominium Recovery Fund, within the Department of Real Estate, to compensate buyers aggrieved by the failure of a subdivider to complete a condominium project. Allows the state real estate commissioner to petition the court for a proration proceeding and for the court to determine the distribution of fund awards among multiple claimants. Outlines procedures for a claimant whose application is denied by the real estate commissioner to file a verified application in court for an order directing payment from the Fund.</p> <p>Statute(s) Created: 32-2193.31, 32-2193.32, 32-2193.33, 32-2193.34, 32-2193.35, 32-2193.36, 32-2193.37, 32-2193.38, 32-2193.39, 32-2193.40, 32-2193.41, 32-2193.42, 32-2193.43</p> <p>Court Impact: The court may begin to receive for filing, petitions for a proration proceeding and applications for payment from the Condominium Recovery Fund.</p>
<p>Chapter 237</p> <p><u>HB2758</u></p> <p>Effective Date (See Summary)</p> <p>Item of interest to:</p> <p>Superior Court Court Administrator</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>JUSTICES OF THE PEACE; FUNDING Rep. Adams</p> <p>Beginning in FY 2007-08, reduces indigent care liability of a county with a population of more than 1.5 million or more by an amount equal to the amount of state reimbursement the county would have received for Justice of the Peace salaries. The county is in turn responsible for 100% of the salary and employee related expenses of a Justice of the Peace.</p> <p>Statute(s) Impacted: 11-292, 11-300, 12-262, 22-117, 22-201, 36-2928</p> <p>Court Impact: Limits the requirement for state contribution to JP salaries to those counties with a population of less than 1.5 million persons only. Counties with a population of 1.5 million or more will pay the entire cost of JP salaries. (Retroactive to July 1, 2007.) Clarifies the geographic jurisdiction of a justice court in a county with a population of more than 2 million persons to be for actions that occur in the "precinct in which the justice of the peace is elected" instead of where the court is located. (General Effective Date.)</p>
<p>Chapter 247</p> <p><u>HB2298</u></p>	<p>PRISONS; TRANSITION PROGRAMS Rep. Konopnicki</p> <p>Provides additional eligibility criteria for inmates participating</p>

<p>Effective Date General</p> <p>Item of interest to:</p> <p></p> <p></p> <p></p> <p></p>	<p>in the Department of Corrections' Transition Program for drug offenders. Requires the Department to provide notice to a victim and the opportunity to be heard before an offender is granted an early release for participation in the Transition Program. Prohibits offenders who are not classified as "low risk offenders" by the Department from being eligible for early release for participating in the Transition Program. Permits the Department to require a person on community supervision to participate in an appropriate drug treatment or education program and requires persons enrolled in such a program to pay for the cost of participation. Clarifies goals and contract requirements for the Community Accountability Pilot Program. Establishes the Teaching Offenders to Live Program within the Community Accountability Program for offenders who have been returned to custody for violating conditions of community supervision.</p> <p>Statute(s) Impacted: 31-254, 31-281, 31-282, 31-285, 31-286, 41-1604.07, 41-1609.05, 42-3106</p> <p>Statute(s) Created: 41-1609.06</p> <p>Court Impact: Informational.</p>
<p>Chapter 284</p> <p><u>SB1169</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p></p> <p></p>	<p>COUNTY RECORDERS; SOCIAL SECURITY NUMBERS Sen. Leff</p> <p>On or before January 1, 2009 requires the county recorder in a county with a population of 800,000 or more persons to redact references to the complete nine digit social security numbers on instruments available on the county recorder's website. The recorder must also redact complete social security number references on all instruments recorded but not available on the website prior to January 1, 2009 before making the instruments available on the website.</p> <p>In counties with a population of less than 800,000 persons redaction is upon request of the holder if the holder identifies the instrument. The recorder must also redact complete social security number references on all instruments recorded but not available on the website prior to January 1, 2009 before making the instruments available on the website.</p> <p>County recorders may use monies in the document storage and retrieval conversion and maintenance fund to effectuate law.</p> <p>Releases the county recorder from liability for errors or cases of identity theft resulting from any redaction. Prohibits a defendant's social security number from being placed on a final judgment of forcible entry and detainer and</p>

on a taxpayer refund check, voucher or credit documentation issued by the Department of Revenue.

Statute(s) Impacted: 11-461, 12-1178, 42-1118

Court Impact: Courts will need to ensure that a forcible entry and detainer judgment does not contain the defendant's social security number.

<h1>JUVENILE</h1>	
<p style="text-align: center;">Chapter 22</p> <p style="text-align: center;"><u>SB1041</u></p> <p style="text-align: center;">Effective Date General</p> <hr/> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; height: 15px;"></div>	<p style="text-align: center;">JUVENILE CORRECTIONS; TEMPORARY ESCORT Sen. Chuck Gray</p> <p>Permits the director of the Department of Juvenile Corrections to authorize the temporary escort of a committed youth for compassionate leave or for the purposes of treatment, education or rehabilitation. Requires public safety and any other relevant factors be considered before approving the escort. Department staff is to escort and maintain custody of the youth.</p> <p>Statute(s) Impacted: 8-341, 41-2804</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 72</p> <p style="text-align: center;"><u>HB2212</u></p> <p style="text-align: center;">Effective Date Delayed 01/01/2008</p> <hr/> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; padding: 2px;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </div> <div style="background-color: #FFFFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; padding: 2px;"> <p>Administrative Office of the Courts</p> </div>	<p style="text-align: center;">SIBLING INFORMATION EXCHANGE PROGRAM Rep. Hershberger</p> <p>Establishes a sibling information exchange program to facilitate contact between former dependent children and their siblings. Former dependent children at least 18 years old, parents of former dependent children under eighteen and siblings of former dependent children may participate in the program or file an affidavit to opt out of contact. Defines a former dependent child as “a person who was adjudicated a dependent child in a dependency proceeding pursuant to this chapter that has been dismissed by order of the juvenile court”. Notification of the program is required at the conclusion of an adoption proceeding and at the conclusion of a dependency proceeding when the court finds the child is no longer a dependent child. Notification of the program may be given to the former dependant child specific to the hearing or to an individual with legal custody of the former dependent child. The Supreme Court may establish rules necessary to implement the program.</p> <p>Statute(s) Impacted: 8-116, 8-135, 8-501, 8-847, 8-872</p> <p>Statute(s) Created: 8-543</p> <p>Court Impact: The court will need to provide information about the Sibling Information Exchange Program to the appropriate persons during the stated proceedings. The court must provide written notice of the Sibling Information Exchange Program before dismissing a dependency proceeding if the court finds that a child is no longer dependent. The court may begin to see affidavits regarding contact by siblings filed and withdrawn by former dependent children, since a former dependent child who does not want</p>

	<p>to be contacted by their sibling(s) may file an affidavit with the court in order to prevent contact (through a confidential intermediary) by a sibling. The affidavit may be withdrawn, in writing.</p>
<p>Chapter 124</p> <p><u>HB2344</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p></p> <p></p> <p></p>	<p>JUVENILE GRAFFITI; MONETARY ASSESSMENT Rep. Driggs</p> <p>Requires a person adjudicated for a graffiti offense (criminal damage) to pay a \$300- \$1,000 fine plus surcharge. The court may order the juvenile to complete community restitution hours for all or part of the fine (not the surcharge) at a rate of ten dollars per hour. Restitution must be paid pursuant to A.R.S. §13-809, (A). Only applies to a graffiti violation pursuant to A.R.S. §13-1602 (A) (5), not the entire criminal damage statute.</p> <p>Statute(s) Impacted: 8-323, 8-341, 41-1750</p> <p>Court Impact: The court must order a juvenile adjudicated delinquent of this offense, at a minimum, to pay a \$300 fine or perform 30 hours of community service or some combination of both.</p>
<p>Chapter 126</p> <p><u>HB2393</u></p> <p>Effective Date General</p> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p></p> <p></p> <p></p>	<p>SPECIAL EDUCATION; SURROGATE PARENTS Rep. Crandall</p> <p>Allows the Department of Education, in addition to a court with the appropriate jurisdiction, to appoint a surrogate parent for a child in need of special education. As allowed by state and federal law, the Department must notify the court if a surrogate parent is appointed.</p> <p>Statute(s) Impacted: 15-791, 15-763.01</p> <p>Court Impact: Courts will see fewer requests for the appointment of surrogate parents. Generally, the ADE will now need to notify the court if the ADE appoints a surrogate parent for a ward of the state as it relates to a child with a disability.</p>
<p>Chapter 134</p> <p><u>SB1130</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>COMPETENCY REPORTS; DISCLOSURE Sen. Chuck Gray</p> <p>Permits a court to grant access to sealed adult or juvenile competency reports to the Department of Corrections for the purposes of assessment and supervision/monitoring if the individual is in the custody of or is scheduled to be transferred into the custody of the Department.</p> <p>Statute(s) Impacted: 8-291.06, 13-4508</p> <p>Court Impact: Expands the courts' authority to grant access to sealed adult or juvenile competency reports beyond the</p>

<p>Court Clerk</p>	<p>probation department (currently) now to ADC.</p>
<p>Chapter 156</p> <p><u>SB1158</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Judge</p>	<p>CPS; INVESTIGATIONS; OTHER JURISDICTIONS Sen. Leff</p> <p>In an action to terminate parental rights, preliminary protective hearing, dependency or permanency hearing the court is required to consider any substantiated allegations of abuse or neglect committed in another jurisdiction. If a Child Protective Services worker conducting an investigation is made aware of an allegation of abuse or neglect made in another state, the worker must attempt to determine the outcome of any investigation.</p> <p>Statute(s) Impacted: 8-533, 8-802, 8-825, 8-844, 8-862</p> <p>Court Impact: Alters the evidentiary considerations in parent-child termination proceedings at preliminary protective hearings, dependency adjudication hearings, and permanency hearings.</p>
<p>Chapter 176</p> <p><u>SB1628</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Chief Probation Officer Clerk of Court Court Administrator Court Clerk Judge</p>	<p>YOUTHFUL SEX OFFENDERS; TREATMENT Sen. Johnson</p> <p>Requires a sex offender placed in a treatment program by order of a court or a probation department to be placed with offenders of similar age and maturity level if group treatment is prescribed by the provider. A mental health treatment program must comply with the professional code of ethics from the Association for the Treatment of Sexual Abusers and can not include images in violation of Title 13, Chapters 35 and 35.1. Sex offender is defined as a person 21 years of age or younger, who is convicted or adjudicated of an offense in violation of Title 13, Chapters 14 or 35.1 that does not involve a deadly weapon or dangerous instrument.</p> <p>Requires the court to hold a hearing to determine if jurisdiction of the criminal prosecution of a juvenile prosecuted as an adult pursuant to A.R.S. §13-501 (B) for a Title 13, Chapter 14 or 35.1 offense should be transferred to the juvenile court on either motion of the juvenile or the court or if the juvenile is being prosecuted for an offense that was committed more than twelve months before the date of the filing. The juvenile must be transferred to the juvenile court if the court finds by clear and convincing evidence that doing so would best serve the public safety and the rehabilitation of the juvenile. Outlines the determining factors that must be considered. The court must make a written determination regarding transfer to the juvenile division and is prohibited from deferring the decision. On transfer, the court must</p>

	<p>order that the juvenile be taken to the juvenile court, a court-designated place of detention, or released to the custody of the juvenile's parent or legal guardian who must then bring the juvenile to appear before the juvenile court at a designated time.</p> <p>Requires the court to conduct a probation review hearing at least once a year upon request of a probationer who is under 22 years of age and committed an offense for which sex registration is required prior to age 18. The court must consider whether to continue, modify or terminate probation, registration and community notification. The probation department supervising the individual must prepare a report prior to the hearing and make the report available to listed individuals. Conforming language in the registration statute, but not in the community notification statute.</p> <p>Statute(s) Impacted: 13-3821</p> <p>Statute(s) Created: 8-350.01, 13-501.01, 13-923</p> <p>Court Impact: The court must carry out the specific requirements for placing certain sex offenders in mental health treatment programs; transferring juveniles being prosecuted as adults for specific sexual offenses to the juvenile court; and conducting annual probation review hearings for certain probationers set forth in this bill.</p>					
<p style="text-align: center;">Chapter 187</p> <p style="text-align: center;"><u>HB2391</u></p> <p style="text-align: center;">Effective Date General</p> <table border="1" style="width: 100%;"> <tr> <td style="background-color: #cccccc;">Item of interest to:</td> </tr> <tr> <td style="background-color: #e6e6ff;">Superior Court Clerk of Court Court Administrator Judge</td> </tr> <tr> <td style="background-color: #ffffcc;">Justice of the Peace Court Clerk of Court Court Administrator Judge</td> </tr> <tr> <td style="background-color: #ccffcc;">Municipal Court Clerk of Court Court Administrator Judge/Magistrate</td> </tr> <tr> <td style="background-color: #cccccc;"></td> </tr> </table>	Item of interest to:	Superior Court Clerk of Court Court Administrator Judge	Justice of the Peace Court Clerk of Court Court Administrator Judge	Municipal Court Clerk of Court Court Administrator Judge/Magistrate		<p style="text-align: center;">SPIRITUOUS LIQUOR; OMNIBUS Rep. Crandall</p> <p>In pertinent part, classifies the act of knowingly admitting an underage person into a bar as a Class 1 misdemeanor. Authorizes the court to suspend the driving privilege of a person less than 18 years of age for a maximum 180 days upon conviction of buying, possessing or consuming spirituous liquor.</p> <p>Statute(s) Impacted: 4-101, 4-202, 4-205.02, 4-213, 4-241, 4-243.02, 4-244, 4-246, 28-3309, 28-3320</p> <p>Court Impact: Establishes a new class 1 misdemeanor and modifies the penalties for certain alcohol-related offenses by a minor. Makes the violations currently listed in statute (A.R.S. sec. 28-3309) the maximum penalties for underage persons who are convicted of using a false identification.</p>
Item of interest to:						
Superior Court Clerk of Court Court Administrator Judge						
Justice of the Peace Court Clerk of Court Court Administrator Judge						
Municipal Court Clerk of Court Court Administrator Judge/Magistrate						
<p style="text-align: center;">Chapter 206</p>	<p style="text-align: center;">TEENAGE DRIVER SAFETY ACT Rep. McComish</p>					

<p>HB2033</p> <p>Effective Date Delayed 07/01/2008</p>	<p>Expands the restrictions of the Class G driver license to prohibit a licensee from driving between midnight and 5 A.M. during the first six months of licensure unless accompanied by a parent or legal guardian or driving to or from listed locations or events. Restricts the licensee from driving with more than one passenger under the age of 18 unless the passengers are the driver's siblings or the driver is accompanied by a parent or legal guardian. Assesses the following:</p> <ul style="list-style-type: none"> • For a first violation, a maximum \$75 civil penalty and extension of the restrictions for 30 days • For a second violation, a maximum \$100 civil penalty and an extension of the restrictions for 60 days • For a third or subsequent violation, a maximum civil penalty of \$100 and suspension of the individual's driver license for 30 days.
<p>Item of interest to:</p>	
<p>Superior Court Clerk of Court Court Administrator Judge</p>	
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Requires the court to dismiss a citation for violation of any restriction if a notarized letter from a parent or legal guardian is submitted as proof that a licensee was en route to or from a permitted event or that the minors in the vehicle were the siblings of the licensee or from an employer, school or religious official stating the licensee was returning from a permitted event in order for a citation to be dismissed.</p>
	<p>Applies to permits and licenses issued after June 30, 2008.</p> <p>Statute(s) Impacted: 28-3153, 28-3154, 28-3156, 28-3174, 28-3321</p> <p>Court Impact: Courts that handle driver's license violations involving teenagers should review this bill for detailed requirements and impact</p>

OTHER	
<p style="text-align: center;">Chapter 21</p> <p style="text-align: center;"><u>SB1039</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; height: 15px;"></div>	<p style="text-align: center;">ARIZONA CRIMINAL JUSTICE COMMISSION; CONTINUATION Sen. Chuck Gray</p> <p>Continues the Arizona Criminal Justice Commission until July 1, 2017.</p> <p>Statute(s) Created: 41-3017.07</p> <p>Statute(s) Repealed: 41-3007.07</p> <p>Court Impact: Informational.</p>
<p style="text-align: center;">Chapter 26</p> <p style="text-align: center;"><u>SB1056</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; height: 15px;"></div>	<p style="text-align: center;">MARRIAGE LICENSES; LOCAL COURT CLERKS Sen. Tibshraeny</p> <p>Expands the list of individuals who may issue a marriage license to include a city or town court clerk if the city or town is more than four miles from the county seat.</p> <p>Statute(s) Impacted: 25-127</p> <p>Court Impact: Authorizes a city court clerk to perform marriage-related duties, if certain criteria are met.</p>
<p style="text-align: center;">Chapter 33</p> <p style="text-align: center;"><u>SB1170</u></p> <p style="text-align: center;">Effective Date General</p> <p>Item of interest to:</p> <div style="background-color: #E6E6FA; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #E0FFE0; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; height: 15px;"></div>	<p style="text-align: center;">PUBLIC SAFETY EMPLOYEES; DISEASE TESTING Sen. Tibshraeny</p> <p>Adds any employee or volunteer of a state or local law enforcement agency to the list of individuals who may petition the court for an order authorizing testing of another person for a blood disease. Clarifies a correctional service officer refers to both adult and juvenile officers and places all eligible persons under the definition of public safety employee or volunteer.</p> <p>Statute(s) Impacted: 13-1210</p> <p>Court Impact: May result in more petitions for medical testing being filed. These petitions must be heard promptly.</p>

Court Administrator Judge/Magistrate	

PROBATE	
<p style="text-align: center;">Chapter 72</p> <p style="text-align: center;"><u>HB2212</u></p> <p style="text-align: center;">Effective Date Delayed 01/01/2008</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>Item of interest to:</p> </div> <div style="background-color: #E6E6FA; padding: 2px; margin-top: 5px;"> <p>Superior Court Clerk of Court Court Administrator Judge</p> </div> <div style="background-color: #FFFFE0; height: 15px; margin-top: 5px;"></div> <div style="background-color: #E0FFE0; height: 15px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>Administrative Office of the Courts</p> </div>	<p style="text-align: center;">SIBLING INFORMATION EXCHANGE PROGRAM Rep. Hershberger</p> <p>Establishes a sibling information exchange program to facilitate contact between former dependent children and their siblings. Former dependent children at least 18 years old, parents of former dependent children under eighteen and siblings of former dependent children may participate in the program or file an affidavit to opt out of contact. Defines a former dependent child as “a person who was adjudicated a dependent child in a dependency proceeding pursuant to this chapter that has been dismissed by order of the juvenile court”. Notification of the program is required at the conclusion of an adoption proceeding and at the conclusion of a dependency proceeding when the court finds the child is no longer a dependent child. Notification of the program may be given to the former dependant child specific to the hearing or to an individual with legal custody of the former dependent child. The Supreme Court may establish rules necessary to implement the program.</p> <p>Statute(s) Impacted: 8-116, 8-135, 8-501, 8-847, 8-872</p> <p>Statute(s) Created: 8-543</p> <p>Court Impact: The court will need to provide information about the Sibling Information Exchange Program to the appropriate persons during the stated proceedings. The court must provide written notice of the Sibling Information Exchange Program before dismissing a dependency proceeding if the court finds that a child is no longer dependent. The court may begin to see affidavits regarding contact by siblings filed and withdrawn by former dependent children, since a former dependent child who does not want to be contacted by their sibling(s) may file an affidavit with the court in order to prevent contact (through a confidential intermediary) by a sibling. The affidavit may be withdrawn, in writing.</p>
<p style="text-align: center;">Chapter 94</p> <p style="text-align: center;"><u>SB1023</u></p> <p style="text-align: center;">Effective Date General</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>Item of interest to:</p> </div>	<p style="text-align: center;">BURIAL RESPONSIBILITY Sen. Harper</p> <p>In pertinent part, allows a crematory, cemetery or funeral establishment to bring an action in court to expedite a resolution of a dispute involving disposition of remains or funeral arrangements.</p> <p>Statute(s) Impacted: 14-5425, 32-1365.02, 36-327, 36-831,</p>

<p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>36-3221, 36-3224</p> <p>Court Impact: Clarifies procedures and responsibilities for making final arrangements for a deceased person. May result in actions filed by crematories, cemeteries, or funeral establishments regarding disposition of a decedent's remains.</p>
<p>Chapter 211</p> <p><u>SB1205</u></p> <p>Effective Date General</p> <p>Item of Interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p>	<p>BIRTH CERTIFICATES; DELAYED REGISTRATION Sen. Allen</p> <p>Allows a person, or parent or guardian of a minor, who was refused a delayed birth certificate, to petition the Superior or Tribal Court for an order establishing a record of that person's date of birth, place of birth and parentage. Prohibits the state registrar from creating a delayed birth certificate if the information and evidentiary documents submitted to support a delayed birth certificate are inaccurate, incomplete or do not support the request. The person requesting the delayed birth certificate must be notified by the registrar of any reason for refusal and be advised of the right to petition for a court order. The petitioner must provide the court copies of the information and evidentiary documents originally submitted in the request for a delayed birth certificate, and a copy of the refusal notification. The court must set a date, time and place for a hearing of the petition, and notify the petitioner and the state registrar at least twenty days in advance of the hearing, at which the state registrar may appear and testify. Permits the court to issue an order for the creation and registration of a delayed birth certificate if the evidence presented supports the delayed birth certificate and requires that the order be forwarded to the state registrar no later than the tenth day of the calendar month following the month in which it was issued. The state registrar then must create and register a delayed birth certificate based on information contained in the court order.</p> <p>Statute(s) Impacted: 36-333.02</p> <p>Statute(s) Created: 36-333.03</p> <p>Court Impact: Courts will need to be aware of the statutory procedures for creation and registration of a delayed birth certificate that has been denied by the state registrar. If the court finds that the evidence presented for the petitioner supports the creation and registration of a delayed birth certificate, the court must establish the facts of birth, including parentage and any other findings that may be required, and shall issue an order to create and register a delayed birth certificate on a form provided by the state registrar. The clerk of court must forward the order to the state registrar no later than the tenth day of the calendar month following the month</p>

in which the court order was issued.

TRANSPORTATION

<p style="text-align: center;">Chapter 19</p> <p style="text-align: center;"><u>SB1015</u></p> <p style="text-align: center;">Effective Date General</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>Item of interest to:</p> <div style="background-color: #CCCCFF; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFCC; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #CCFFCC; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; height: 15px;"></div> </div>	<p style="text-align: center;">LAW ENFORCEMENT, EMERGENCY DEPARTMENT COOPERATION Sen. Waring</p> <p>Authorizes a law enforcement officer who reasonably believes that a person may have committed a DUI, Extreme DUI or Aggravated DUI to request health care emergency department personnel to provide a copy of any written or electronic report of the person's Blood Alcohol Concentration.</p> <p>Requires the officer to obtain permission from the emergency department director or the director's designee in order to speak with the personnel. Permission can not be refused, but may be delayed if taking the personnel away from patient care duties could cause patient harm. Emergency department personnel must comply with the request but are not required to determine probable cause on their own. Emergency room personnel are not liable for complying with the request unless acting with gross negligence.</p> <p>Statute(s) Created: 28-1390</p> <p>Court Impact: Informational.</p>
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<p style="text-align: center;">Chapter 29</p> <p style="text-align: center;"><u>SB1076</u></p> <p style="text-align: center;">Effective Date General</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>Item of interest to:</p> <div style="background-color: #CCCCFF; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #FFFFCC; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #CCFFCC; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: #D3D3D3; height: 15px;"></div> </div>	<p style="text-align: center;">PEDESTRIAN CONTROL SIGNALS Sen. Linda Gray</p> <p>Expands the definition of pedestrian control signals to include symbols indicating a walking person and an upraised hand.</p> <p>Statute(s) Impacted: 28-646</p> <p>Court Impact: Informational.</p>
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<p style="text-align: center;">Chapter 32</p> <p style="text-align: center;"><u>SB1161</u></p> <p style="text-align: center;">Effective Date General</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>Item of interest to:</p> </div>	<p style="text-align: center;">HOV LANES; MOTORCYCLES; BUSES Sen. Tibshraeny</p> <p>Permits motorcycles and public transportation vehicles, regardless of the number of passengers, to use a high occupancy vehicle lane.</p> <p>Defines public transportation vehicle.</p>
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<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Statute(s) Impacted: 28-737</p> <p>Court Impact: Informational.</p>
<p>Chapter 39</p> <p><u>HB2052</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>VEHICLE USE; CAUSING DEATH; INJURY Rep. Biggs</p> <p>Blends the two versions of A.R.S. §28-672 enacted last year. Adds A.R.S. §28-857 (A) to the predicate offenses in A.R.S. §28-672.</p> <p>Repeals the prior version of §28-672 and sunset date. Adds A.R.S. §28-857 (A) to predicate offenses in A.R.S. §28-672, Causing serious physical injury or death by a moving violation; A.R.S. §STATUTE28-675, Causing death by use of a vehicle; and A.R.S. §28-676, Causing serious physical injury by use of a vehicle.</p> <p>Statute(s) Impacted: 28-672, 28-675, 28-676</p> <p>Court Impact: Alters the classification of failure to stop for a school bus, under certain circumstances.</p>
<p>Chapter 145</p> <p><u>SB1455</u></p> <p>Effective Date Conditional</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>LOW SULFUR DIESEL FUEL STANDARDS Sen. Allen</p> <p>Identifies additional conduct that constitutes a Class 2 misdemeanor under the existing A.R.S. § 41-2113 relating to the sale of diesel fuel, labeling of diesel fuel dispensers and use of product transfer documents.</p> <p>Statute(s) Impacted: 41-2083, 41-2083</p> <p>Court Impact: Could result in additional misdemeanor filings for violation. Under current law, the attorney general and the county attorney have concurrent jurisdiction to prosecute violations.</p>

Chapter 154

[SB1118](#)

Effective Date
General

Item of interest to:

Superior Court
Clerk of Court
Court Administrator
Judge

Justice of the Peace Court
Court Clerk
Court Administrator
Judge

Municipal Court
Court Clerk
Court Administrator
Judge/Magistrate

VEHICLE ACCIDENTS; MINIMUM REPORTING REQUIREMENT
Sen. Chuck Gray

Increases the classification of Leaving the scene of an accident involving death or personal injury from a Class 4 to a Class 3 felony, except that if a driver caused the accident the driver is guilty of a Class 2 felony. Increases the classification of Leaving the scene of a damage-only accident from a Class 3 to a Class 2 misdemeanor.

Statute(s) Impacted: 28-661, 28-662

Court Impact: Also, reclassifies a failure to stop or give information or assistance at the scene of an accident leading to injury that is not serious as a class 5 felony (currently a class 6 felony).

Chapter 155

[SB1131](#)

Effective Date
General

Item of interest to:

Superior Court
Clerk of Court
Court Administrator
Judge

Justice of the Peace Court
Court Clerk
Court Administrator
Judge

Municipal Court
Court Clerk
Court Administrator
Judge/Magistrate

TRAFFIC VIOLATIONS; STATUTE OF LIMITATIONS
Sen. Chuck Gray

Requires a civil traffic violation case to be commenced as follows:

- Within 60 days of an alleged violation if commenced by issuance of a citation,
- Within 60 days of an alleged violation if commenced by filing of a citation and must be served within 90 days from the filing date,
- Within one year of the alleged violation if the alleged violation is under investigation in conjunction with an accident resulting in death (180 days if the accident under investigation does not involve death).

Statute(s) Impacted: 28-1592

Court Impact: Potential impact to photo enforcement programs due to time limitation for service.

Chapter 159

[SB1229](#)

Effective Date
General

AGGRAVATED DUI; PROBATION; INCARCERATION
Sen. Waring

In an Aggravated DUI case, the time a probationer is on absconder status or the time the person is incarcerated is excluded when determining the 84 month look- back period.

<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Statute(s) Impacted: 28-1383</p> <p>Court Impact: Alters case processing time calculation requirements for Aggravated DUI cases, and may result in additional Aggravated DUI charges.</p>
<p>Chapter 182</p> <p><u>HB2001</u></p> <p>Effective Date Delayed 01/01/2009</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p> <p>Administrative Office of the Courts</p>	<p>DEFENSIVE DRIVING SCHOOLS Rep. Jim Weiers</p> <p>Upon the expiration of all contracts that are in existence on July 1, 2007 between the court and a defensive driving school provider, an eligible individual who elects to attend a defensive driving school is permitted to attend any Supreme Court certified defensive driving school that complies with the court automation and reporting requirements The renewal of any contract between a court and a defensive driving school after July 1, 2007 will be considered a new contract. Authorizes a court to adopt requirements for a school to electronically report school completions and transfer funds, subject to the approval of the Defensive Driving Board.</p> <p>Statute(s) Impacted: 28-3393</p> <p>Court Impact: Effective January 1, 2009, courts must allow eligible traffic violators to attend any supreme court certified Defensive Driving School. A court may require that a school electronically report school completions and electronically transfer funds, subject to the approval of the Defensive Driving Board. Any contract renewed by a court after July 1, 2007, is considered a new contract.</p>
<p>Chapter 195</p> <p><u>SB1252</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court</p>	<p>EXTREME DUI; SENTENCE Sen. Waring</p> <p>In an Extreme DUI, removes the ability of the court to suspend any portion of the minimum required jail sentence. Authorizes the court after a first conviction to order a person not to consume alcohol for 30 days or more through continuous alcohol monitoring or twice daily alcohol testing. Following a second or subsequent Extreme DUI, the court may order a person not to consume alcohol for 90 days or more through continuous alcohol monitoring or twice daily alcohol testing.</p>

<p>Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>Statute(s) Impacted: 9-499.07, 11-459, 28-1382</p> <p>Court Impact: Removes the authority of the court to suspend any portion of the jail time for a first or second offense Extreme DUI. The court may require compliance with an order not to consume alcohol be demonstrated through continuous monitoring or twice daily testing.</p>
<p>Chapter 206</p> <p><u>HB2033</u></p> <p>Effective Date Delayed 07/01/2008</p> <p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>TEENAGE DRIVER SAFETY ACT Rep. McComish</p> <p>Expands the restrictions of the Class G driver license to prohibit a licensee from driving between midnight and 5 A.M. during the first six months of licensure unless accompanied by a parent or legal guardian or driving to or from listed locations or events. Restricts the licensee from driving with more than one passenger under the age of 18 unless the passengers are the driver's siblings or the driver is accompanied by a parent or legal guardian. Assesses the following:</p> <ul style="list-style-type: none"> • For a first violation, a maximum \$75 civil penalty and extension of the restrictions for 30 days • For a second violation, a maximum \$100 civil penalty and an extension of the restrictions for 60 days • For a third or subsequent violation, a maximum civil penalty of \$100 and suspension of the individual's driver license for 30 days. <p>Requires the court to dismiss a citation for violation of any restriction if a notarized letter from a parent or legal guardian is submitted as proof that a licensee was en route to or from a permitted event or that the minors in the vehicle were the siblings of the licensee or from an employer, school or religious official stating the licensee was returning from a permitted event in order for a citation to be dismissed.</p> <p>Applies to permits and licenses issued after June 30, 2008.</p> <p>Statute(s) Impacted: 28-3153, 28-3154, 28-3156, 28-3174, 28-3321</p> <p>Court Impact: Courts that handle driver's license violations involving teenagers should review this bill for detailed requirements and impact.</p>
<p>Chapter 208</p> <p><u>HB2291</u></p> <p>Effective Date General</p>	<p>DRIVER LICENSE INFORMATION; RETAILER USE Rep. Konopnicki</p> <p>Prescribes conditions for retailer retention and use of information from a customer's driver's license or other state issued identification. Use of the information in a court or</p>

<p>Item of interest to:</p> <p>Superior Court Clerk of Court Court Administrator Judge</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>administrative proceeding is not prohibited. Enforcement against a retailer may be through either the county attorney or Attorney General, who may obtain injunctive relief and recover costs, attorney fees and penalties. The civil penalty shall not exceed \$500 for a first violation, \$1000 for a second violation, and \$5000 for a third or subsequent violation.</p> <p>Statute(s) Created: 44-7701</p> <p>Court Impact: May result in new filings for injunctive relief and civil penalties against retailers for improper use of a customer's driver's license or ID information.</p>
<p>Chapter 219</p> <p><u>SB1029</u></p> <p>Effective Date General</p> <p>Item of interest to:</p> <p>Justice of the Peace Court Court Clerk Court Administrator Judge</p> <p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	<p>DUI; 0.20 CONCENTRATION ENHANCEMENT Sen. Waring</p> <p>Requires a person convicted of a first DUI (A.R.S. §28-1381) to have an ignition interlock device installed pursuant to A.R.S. §28-3319 for a minimum of 12 months. The court may order the individual to have the device for longer than 12 months.</p> <p>Requires a person convicted of Extreme DUI with a Blood Alcohol Concentration of .20 or more to be sentenced to serve not less than 45 consecutive days in jail. The person is not eligible for probation or suspension of execution of sentence unless the entire sentence is served. Requires the person to pay a fine of not less than \$500 and use an ignition interlock device pursuant to A.R.S. §28-3319 for 18 months.</p> <p>Requires a person convicted of an Extreme DUI with a Blood Alcohol Concentration of .20 or more with a prior DUI conviction within 84 months to be sentenced to 180 days in jail, 90 of which must be served consecutively. The person is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served. Requires the person to pay a fine of not less than \$1,000 and use an ignition interlock device pursuant to A.R.S. §28-3319 for 24 months.</p> <p>Note, contrary to Chapter 195, this chapter does not prohibit suspension of a portion of the minimum sentence for an Extreme DUI with a BAC of below .20.</p> <p>Statute(s) Impacted: 28-1381, 28-1382, 28-3319</p> <p>Court Impact: Requires specific, increased penalties for conviction of DUI.</p>
<p>Chapter 278</p> <p><u>HB2753</u></p>	<p>VEHICLE IMPOUNDMENT AND IMMOBILIZATION Rep. Pearce</p>

<p>Effective Date General</p>	<p>In pertinent part, requires an impounding agency to allow access to the owner of a vehicle for the purpose of inspecting it for damage or to a representative of an ignition interlock device company seeking to remove the device. An agency is prohibited from charging a fee for the access.</p>
<p>Item of interest to:</p>	<p>Failure to allow access is a Class 2 misdemeanor. An owner who does not inspect the vehicle prior to the removal of the device creates a rebuttable presumption that any damage to the vehicle did not occur while in possession of the impounding agency. Does not create a cause of action against an impounding agency for allowing access to a representative of an ignition interlock device company.</p>
<p>Justice of the Peace Court Court Clerk Court Administrator Judge</p>	<p>An individual who violates an agreement to prevent an unlicensed driver from operating a vehicle or a lending entity who releases a vehicle to an owner in violation of statute is subject to a minimum civil penalty of \$250.</p>
<p>Municipal Court Court Clerk Court Administrator Judge/Magistrate</p>	
	<p>Statute(s) Impacted: 28-3511, 28-3512, 28-3513, 28-3514, 28-3815, 41-1752</p> <p>Statute(s) Created: 28-4848</p> <p>Court Impact: Justice courts will need to be familiar with the changes to existing statutes, regarding the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege, in order to properly conduct an immobilization or poststorage hearing to determine the validity of the immobilization or storage.</p> <p>Generalizes the existing, specific driver's license suspensions and revocations that will result in vehicle impoundment or immobilization to now simply include any driver's license suspension or revocation, for whatever reason; the driver cannot produce evidence of ever having a valid license or permit issued by another jurisdiction; failure to have a required ignition interlock device. Eliminates the exemption from vehicle impoundment for a minor driving a parent's or guardian's vehicle when the minor has consumed alcohol. Requires proof of a rental agreement, effective on the date of impoundment, if the owner is in the business of renting vehicles and is requesting release prior to the end of the 30-day impoundment period. Clarifies that the spouse or any other vehicle owner requesting vehicle release prior to the end of the 30-day impoundment period had to be listed on the Department of Transportation's (DOT) records as an owner at the time of impoundment. Provides that if a spouse or vehicle owner requests release of the vehicle before the end of the 30-day impoundment period and enters into an agreement with the impounding agency prohibiting operation of the released vehicle by an unlicensed driver, the spouse or other owner will be ineligible for early release of the vehicle if it is subsequently impounded within one year. Adds "a valid salvage or dismantle certificate" to the proof of</p>

	<p>ownership documents necessary for release of a vehicle. Requires proof of motor vehicle liability insurance as a condition of releasing the vehicle. Clarifies that an owner in the business of renting vehicles, a motor vehicle dealer, or a financial institution that requests the release of a vehicle must pay administrative charges to the impounding agency. Specifies that the person requesting release of the vehicle on behalf of a rental company or financial institution cannot be the person who was operating the vehicle at the time of impoundment.</p> <p>States that a person to whom a vehicle has been released, other than an owner, identified in the DOT's records as having an interest in the vehicle, (e.g. a rental car company, motor vehicle dealer or financial institution) cannot return the impounded vehicle to the person who was operating the vehicle at the time of impoundment unless the vehicle owner or owner's agent presents a valid driver's license, current vehicle registration or salvage or dismantle title and evidence of a motor vehicle liability policy. Violation constitutes a civil traffic violation, subject to a civil penalty of \$250.</p> <p>Establishes a new civil traffic violation, subject to a civil penalty of \$250, for a person who enters into an agreement with the impounding agency for early release of the vehicle who then allows a person to operate the vehicle in violation of the agreement.</p> <p>Alters the time from five working days to five business days within which a justice court must conduct a post storage hearing after receiving a hearing request. Limits the time to within ten days after the date on the notice of impoundment that a vehicle owner, spouse or other person may request a post storage hearing. Specifies that a person is entitled to only one post storage hearing with either the impounding agency or a justice court, but not both.</p> <p>Establishes a new class 2 misdemeanor for a towing company, storage yard, facility or person that has physical possession of a vehicle who refuses access or charges a fee during normal business hours to an ignition interlock device manufacturer or installer or a person who is listed as a lien holder on the DOT's records for the purpose of removing an interlock device from the vehicle or assessing the vehicle's condition.</p>
<p>Chapter 296</p> <p><u>SB1640</u></p> <p>Effective Date General</p>	<p>FOREIGN MOTOR CARRIERS Sen. Verschoor</p> <p>In pertinent part, expands the jurisdiction of municipal and justice courts to include concurrent jurisdiction over all misdemeanor traffic violations listed in Title 28, Chapters 5, 11, 14, and 15 and Class 2 and 3 misdemeanor violations</p>

Item of interest to:	in Chapter 25.
Superior Court Clerk of Court Court Administrator Judge	Statute(s) Impacted: 28-1552, 28-6355 Statute(s) Created: 28-5244
Justice of the Peace Court Court Clerk Court Administrator Judge	Court Impact: Places the following restrictions on motor carriers, all of which can constitute a class 1 or 2 misdemeanor or class 6 felony, under existing A.R.S. sec. 28-5240 (depending on the number of previous offenses): prohibits foreign motor carriers from operating in Arizona without a certificate of registration in the vehicle or refusing to show the certificate to a peace officer or an employee of the Department of Transportation; prohibits foreign carriers from operating outside the restrictions in the registration certificate; prohibits foreign carriers from providing point to point transportation services for any goods other than international goods; requires foreign carrier vehicles to be inspected by a commercial vehicle safety alliance certified inspector every three months; requires foreign carrier vehicles to display a safety inspection decal for at least three years after receiving permanent operating authority; prohibits interstate carriers from operating without or outside the bounds of a registration certificate.
Municipal Court Court Clerk Court Administrator Judge/Magistrate	
	<p>Expands the jurisdiction of municipal and justice courts to include the following misdemeanor criminal violations in Title 28:</p> <ol style="list-style-type: none"> 1. failing to notify the Motor Vehicle Department of a name or address change 2. injuring or preventing operation of a vehicle 3. committing a traffic violation while transporting hazardous material 4. directing or knowingly permitting an employee or driver to violate the law 5. illegally canceling a traffic citation 6. failing to stop or present identification when requested by a peace officer 7. failing to notify law enforcement of the previous location of a towed vehicle 8. failing to report that a vehicle is lost, stolen, abandoned, unclaimed or seized 9. failing to report that a vehicle is abandoned in a public garage or parking lot 10. refusing to permit inspection of a vehicle 11. violating motor carrier regulations 12. operating a motor carrier under an out-of-service order 13. operating an overweight vehicle 14. violating gross weight restrictions with regard to fees 15. dumping trash on highways or airports 16. constructing an unauthorized bridge or dam

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17. failing to construct, maintain or repair a bridge as required by law
 18. violating regulations pertaining to aircraft operations
 19. failing to provide an affidavit of total loss of an aircraft to the Arizona Department of Transportation

Removes language that limits municipal and justice court jurisdiction to specific chapters in Title 28, thereby allowing courts to rule on violations in the entire title.

VETOED

<p>SB1629</p> <p>Vetoed 05/19/2007</p>	<p style="text-align: center;">MISCONDUCT INVOLVING WEAPONS; CLASSIFICATION Sen. Johnson</p> <p>SB1629 would have reclassified the offense of Carrying a concealed weapon without a permit and Carrying a concealed weapon within immediate control of any person or concealed in any means of transportation without a permit as a petty offense. If the misconduct occurred while committing or attempting to commit a serious offense or a violent crime as defined in §13-604 and §13-604.04, respectively, the offense would have been a Class 6 felony; in any other felony offense the offense was to be a Class 1 misdemeanor. An individual convicted of such a petty offense would not have been subject to weapon forfeiture.</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated a safety concern over relaxing current laws related to the carrying of a concealed weapon without a permit.</p>
<p>SB1302</p> <p>Vetoed 03/02/2007</p>	<p style="text-align: center;">SELF-DEFENSE; HOME PROTECTION; APPLICABILITY Sen. Linda Gray</p> <p>SB1302 would have applied, retroactively, specified statutory changes relating to justification defenses to all cases that were submitted to the fact finder after April 24, 2006. Clarified that the Legislature intended to make Laws 2006, Chapter 199, effective to all cases pending at the time it was signed into law by the Governor on April 24, 2006.</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated that a substantial number of cases might be reopened as a result of the bill, a fact that burdens prosecutors as well as crime victims. The message reminded the Legislature that if a bill is intended to be applied retroactively, the intent should be made clear at the time it is passed.</p>
<p>SB1301</p> <p>Vetoed 04/27/2007</p>	<p style="text-align: center;">MISCONDUCT INVOLVING WEAPONS; EXCEPTION Sen. Johnson</p> <p>SB1301 would have exempted a person from being required to have a concealed weapon permit if the weapon is carried in a manner where any portion of the weapon or holster is visible or in a scabbard or case and any portion of the weapon, scabbard or case is visible. Additionally, SB1301 stated that an individual could carry a concealed weapon without a permit if on real property rented by an individual, in or on a vehicle while at the individual's house, on the individual's business premises, or on real property that is owned, leased or rented by the individual, including common areas.</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated that a small visible portion of a weapon may not be reasonable notice to the public or law enforcement that a person is armed. The message further indicated that allowing individuals who have not met the requirements for a permit to carry a concealed weapon to carry a concealed weapon in common areas would not be in the best interest of Arizonans.</p>

<p>SB1251</p> <p>Vetoed 07/02/2007</p>	<p style="text-align: center;">DEADLY WEAPONS; STORAGE Sen. Chuck Gray</p> <p>SB1251 would have allowed an operator of a public establishment or sponsor of a public event to request any person carrying a deadly weapon to remove the weapon only if secure storage (undefined) was provided and the serial number of the weapon was not recorded. The storage would have been required to be within a "close proximity to" (undefined) the entrance of the establishment or event. An operator would have been allowed to ask for or record the identity of the individual for the purpose of ensuring the weapon was returned to the correct individual. Any form of recorded identification would have to have been returned with the weapon. Capped the fee for a permit to carry a concealed weapon at \$65 and defined "readily accessible".</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated that the law related to weapons storage passed only last session has been successfully implemented thus far and it would have been premature to amend the statute. There was also a concern about removing the Department of Public Safety's ability to set the fee for a permit to carry a concealed weapon in order to accommodate the cost of background searches.</p>
<p>SB1228</p> <p>Vetoed 04/16/2007</p>	<p style="text-align: center;">SEX OFFENDERS; MONITORING; PROBATION Sen. Waring</p> <p>SB1228 would have required only those individuals convicted of a Dangerous crime against children who must register as a risk-level three sex offender to be subject to GPS monitoring as a term of probation.</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated the need to receive further information resulting from the Joint Legislative Study Committee on sex offender monitoring before narrowing the laws related to child predators.</p>
<p>SB1166</p> <p>Vetoed 07/02/2007</p>	<p style="text-align: center;">APPLICABILITY; SELF-DEFENSE Sen. Linda Gray</p> <p>SB1166 would have applied, retroactively, Laws 2006, Chapter 199 to all cases in which the defendant did not plead guilty or no contest and that, as of April 24, 2006, had not been submitted to the fact finder to render a verdict.</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated that an unknown number of cases would be subject to retrial as a result of the bill. Additionally, the legislation raised equal protection concerns by unfairly differentiating between those defendants who entered into plea agreements and those who did not.</p>
<p>HB2150</p> <p>Vetoed 05/08/2007</p>	<p style="text-align: center;">MUNICIPAL AND JUSTICE COURTS; JURISDICTION Rep. Biggs</p> <p>HB2150 would have expanded municipal and justice courts concurrent jurisdiction over all misdemeanor traffic violations, including Class 2 and 3 misdemeanor aircraft violations, with the exception of aircraft DUIs.</p> <p><u>GOVERNORS VETO MESSAGE</u> indicated a concern regarding the</p>

broadness of the legislation, including giving municipal and justice courts, rather than superior courts, jurisdiction over the statutory duties and authority of the Department of Transportation and the Transportation Board.

Note, an agreement was subsequently reached and the Legislature included relevant language in Chapter 296.