

# Arizona Criminal Justice Commission Office of the Executive Director

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona



## Legislative Summary

**51st Arizona  
State Legislature  
2nd Regular Session**

# 2014

# ARIZONA CRIMINAL JUSTICE COMMISSION



Chairperson  
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Maricopa County Attorney

Vice-Chairperson  
DAVID K. BYERS, Director  
Administrative Office of the Courts

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Safford Police Department

TIMOTHY J. DORN, Chief  
Gilbert Police Department

CLARENCE DUPNIK  
Pima County Sheriff

CHRIS GIBBS, Mayor  
City of Safford

ROBERT C. HALLIDAY, Director  
Department of Public Safety

TOM HORNE  
Attorney General

DREW JOHN  
Graham County Supervisor

BARBARA LAWALL  
Pima County Attorney

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Board of Executive Clemency

SHEILA POLK  
Yavapai County Attorney

WILLIAM PRIBIL  
Coconino County Sheriff

CHARLES RYAN, Director  
Department of Corrections

DAVID SANDERS  
Pima County Chief Probation  
Officer

DANIEL G. SHARP, Chief  
Oro Valley Police Department

STEVEN SHELDON  
Former Judge

MARK SPENCER  
Law Enforcement Leader

JOHN A. BLACKBURN, JR.  
Executive Director

ANDREW T. LEFEVRE  
PIO/Legislative Liaison

RYAN MORES  
Legislative Intern

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# Session Summary

The second regular session of the 51<sup>st</sup> Arizona State Legislature ran 101 days with sine die called at 1:46 AM on April 24, 2014. There were 1,205 bills posted, with 303 bills passing through both the Senate and the House. Of those 330 bills transmitted to the Governor, 278 were signed into law and 25 were vetoed.

The Arizona Criminal Justice Commission (ACJC) tracked more than 130 bills that affected the criminal justice system. New state laws take effect July 24, 2014 unless otherwise noted in the legislation.

## **ACJC's criminal justice issues in 2014**

The Arizona Criminal Justice Commission had one main legislative priority for the 2014 legislative session. Working with the legislative liaisons from various criminal justice stakeholder groups, ACJC worked with House Public Safety, Military & Regulatory Affairs Chairman Representative Justin Pierce to introduce HB 2322, the NICS Improvement Act.

## **Overview of HB 2322**

Part of ACJC's National Instant Criminal Background Check System (NICS) Record Improvement plan as developed by the NICS Task Force is the recommendation to seek changes in Arizona statute to increase the reporting of mental health rulings into the NICS system. Draft legislation was adopted by the Commission at their meeting in November 2013 and ACJC began conducting stakeholder meetings with members of the legislature and other interested groups early in 2014.

The initial draft of HB 2322, as approved by the Commission, contained several new classes of mental health rulings to be reported from the Administrative Office of the Courts (AoC) to the Arizona Department of Public Safety (DPS) who reports the ruling information into the NICS system. In addition the draft contained a mechanism for an indicator notification to be sent to Arizona law enforcement officers as well as a change in the definition of prohibited possessor within statute to cover those individuals covered by the new language.

Through meetings with legislators and stakeholder groups, including the National Rifle Association and Arizona Citizens Defense League, concerns were raised regarding the increase in the definition of prohibited possessor and access by law enforcement to the indicator notification.

With input from Commission members, ACJC ultimately worked to draft compromise language that creates and automatic transmission of mental health rulings pursuant to Rule 11, Title 13, guilty except insane, and the appointment of a guardian unless solely due to physical incapacity into and out of the NICS system.

ACJC will be working over the interim with stakeholder groups to address their concerns and draft legislation to implement the indicator notification for Arizona law enforcement officers.

## **Executive Priorities**

Governor Brewer's top priority for 2014 legislative session was the reform of Arizona's Child Protective Services which was accomplished with the creation of a new executive level agency and the calling of a special legislative session to handle funding and oversight issues.

In addition to CPS, Governor Brewer made it a priority to pass legislation targeting human trafficking and a package of tax cuts aimed at removing electricity and manufacturing taxes in order to make Arizona more attractive towards businesses.

## **Budget**

Governor Brewer signed the \$9.2 billion budget for fiscal year 2015 budget but line-item vetoed several provisions totaling \$4.7 million in spending. The line item vetoes included:

- \$1 million in soft capital funding for joint technical education districts, known as JTEDs, that have fewer than 2,000 average pupils per day
- \$500,000 to the Attorney General's Office for law enforcement in northern Arizona
- \$500,000 for a new alternative teacher development program
- \$10,000 for a landing strip in northern Arizona
- The entire \$828,000 budget for the Arizona Ombudsman-Citizens' Aide office
- \$500,000 for a "small-scale computing study"
- \$53,000 that would be transferred to the ELL program
- \$1.3 million in sales tax revenue to the counties to offset the loss in revenue they are expected to face from SB1413, a bill the governor advocated for that exempts manufacturers from paying sales taxes on electricity usage.

## **Summary report of ACJC-tracked legislation**

The following pages provide brief summaries of the legislation that ACJC tracked over the second session of the 51<sup>st</sup> Arizona State Legislature. This includes bills that were signed into law, bills that failed to pass the state legislature, and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS title affected, and the bill's original sponsor(s). **Please note:** bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill. Summary information in this report was gathered from the Arizona Legislative Information Services (ALIS) online ([www.azleg.gov](http://www.azleg.gov)). Any questions regarding this report should be directed to Andrew LeFevre, ACJC Public Information Officer/Legislative Liaison, at [alefevre@azcjc.gov](mailto:alefevre@azcjc.gov) or at (602) 364-1156.

## Senate Bills Signed Into Law

### **SB 1097: SILVER ALERT NOTIFICATION SYSTEM**

The Department of Public Safety is required to establish the silver alert notification system as a quick response system designed to issue and coordinate alerts following the report of a missing person who is 65 year of age or older under specified conditions. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Griffin  
Last Action: 4/25, signed by Governor, Chapter 232  
ARS Titles Affected: 41

### **SB 1124: CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM**

Updates the version of the standard implementation guide that dispensers of controlled substances must use for the Controlled Substances Prescription Monitoring Program, and expands the list of persons who may receive data collected by the Program to include a "delegate" (defined) who is authorized by a prescriber or dispenser. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Ward  
Last Action: 4/22, signed by Governor, Chapter 106  
ARS Titles Affected: 36

### **SB 1217: PRECINCT OFFICERS; SALARIES**

Increases the maximum salaries of constables (which are fixed by the county board of supervisors) by approximately 10 percent. AS SIGNED BY GOVERNOR.

First sponsor: Sen. McComish  
Last Action: 4/22, signed by Governor, Chapter 113  
ARS Titles Affected: 11

### **SB 1266: MISCONDUCT INVOLVING WEAPONS; JUDICIAL OFFICERS**

The list of persons exempt from the prohibition on carrying a deadly weapon in specified circumstances, including in public buildings, is expanded to include an elected or appointed judicial officer in the court facility where the judicial officer works if the officer has demonstrated competence with a firearm, except that the judicial officer is required to comply with any rule or policy adopted by the presiding judge of the superior court while in the court facility. Does not apply to a hearing officer or a judicial officer pro-tempore that is not a full-time officer. AS SIGNED BY GOVERNOR.

First sponsor: Sen. S. Pierce  
Last Action: 4/23, signed by Governor, Chapter 189  
ARS Titles Affected: 13

## **SB 1276: HIV-RELATED TESTING; CONSENT; CONFIDENTIALITY; EXCEPTIONS**

The requirement for a health care provider to obtain informed consent before an HIV-related test is ordered does not apply if testing is requested by a health care provider or "first responder" (defined) who has had an "occupational significant exposure risk" (defined) and makes a written request that includes documentation of the occurrence and information regarding the nature of the occupational significant exposure risk. Health care providers and first responders who have had an occupational significant exposure risk are added to the list of persons authorized to receive confidential communicable disease related information. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Yee  
Last Action: 4/24, signed by Governor, Chapter 222  
ARS Titles Affected: 36

## **SB 1284: PUBLIC SAFETY OFFICERS; OMNIBUS**

Various changes relating to public safety officers. The Cancer Insurance Policy Program administered by the Public Safety Personnel Retirement System (PSPRS) for participating employers that employ firefighters and peace officers is expanded to include corrections officers and detention officers that participate in PSPRS or the Corrections Officer Retirement Plan. The Department of Corrections, Department of Juvenile Corrections or counties or municipalities are permitted to establish a voluntary cancer insurance policy program for employees who are corrections officers or detention officers, collect the payments for the program and submit the monies to the PSPRS Board on behalf of employees who voluntarily enroll in the program. The repeal date for the public safety officer supplemental benefits plan is extended three years to October 1, 2017. State employee appeals for denials for supplemental benefits under the plan are exempt from the uniform administrative hearings procedures of the Administrative Procedures Act. For these appeals, the Department of Administration is permitted to establish an alternative appeal hearing process and to contract with another government agency or with a third party to conduct hearings of appeals. PSPRS members with at least five years of service may elect to redeem up to 60 months of prior service as full-time paid corrections officers engaged in law enforcement duties. Effective January 1, 2015, a peace officer who believes that the life or safety of the officer or another person is in danger that will be reduced by restricting access to the officer's "personal identifying information" (defined) may request that the general public be prohibited from accessing superior court records that contain the information by filing an affidavit in each superior court case that contains the information. If the court finds that the life or safety of the officer or another person is in danger and that the danger will be reduced by restricting access to the officer's personal identifying information, the court is required to grant the petition and restrict access as necessary. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Crandell  
Last Action: 4/23, signed by Governor, Chapter 190  
ARS Titles Affected: 12 38

## House Bills Signed Into Law

### **HB 2002: CORRECTIONAL OFFICERS; ARREST; UNLAWFUL IMPRISONMENT**

A "detention officer" (defined) acting in his/her official capacity at a jail facility and pursuant to a warrant is authorized to arrest a person who is already incarcerated in that jail facility or who surrenders himself to that jail facility. It is a defense against prosecution for unlawful imprisonment that the restraint was accomplished by a detention officer acting in good faith in the lawful performance of his duty. AS PASSED HOUSE.

First sponsor: Rep. Borrelli  
Last Action: 4/16, signed by Governor, Chapter 40  
ARS Titles Affected: 13

### **HB 2003: WATERCRAFT; CIVIL AND CRIMINAL PENALTIES**

Establishes civil penalties for a person who operated a motorized watercraft and refuses to submit to a test for alcohol concentration or drug content, to be deposited in the Prison Construction and Operations Fund and the Law Enforcement and Boating Safety Fund. Monies from civil and criminal penalties for operating a motorized watercraft while under the influence are deposited in the Law Enforcement and Boating Safety Fund instead of the Public Safety Equipment Fund. AS PASSED HOUSE.

First sponsor: Rep. Borrelli  
Last Action: 4/22, signed by Governor, Chapter 127  
ARS Titles Affected: 5 41

### **HB 2021: VEXATIOUS LITIGANTS; DESIGNATION**

The superior court is authorized to designate a pro se litigant a vexatious litigant in noncriminal cases under specified conditions, including that the pro se litigant repeatedly files court actions solely or primarily for the purpose of harassment or brings or defends court actions "without substantial justification" (defined elsewhere in statute). A pro se litigant who is designated a vexatious litigant is prohibited from filing a new pleading, motion or other document without prior leave of the court. Effective January 1, 2015. AS PASSED HOUSE.

First sponsor: Rep. Kavanagh  
Last Action: 4/16, signed by Governor, Chapter 41  
ARS Titles Affected: 12

### **HB 2103: CONCEALED CARRY PERMIT; QUALIFICATIONS**

An applicant who is at least 19 years of age, instead of the required 21 years of age, may qualify for a concealed weapons permit if the applicant provides evidence of current military service or proof of honorable discharge from the U.S. armed forces, reserves or a state national guard. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Townsend  
Last Action: 4/17, signed by Governor, Chapter 85  
ARS Titles Affected: 13

### **HB 2151: AMUSEMENT GAMBLING**

Increases the maximum wholesale fair market value of redeemable merchandise prizes for amusement gambling to \$550, from \$35. AS SIGNED BY GOVERNOR.

First sponsor: Rep. E. Farnsworth  
Last Action: 4/16, signed by Governor, Chapter 49  
ARS Titles Affected: 13

### **HB 2164: LASER POINTER; VIOLATION**

A person commits aiming a laser pointer at an occupied aircraft if the person intentionally or knowingly directs the beam of light from a "laser pointer or laser emitting device" (defined) at an aircraft and the person knows or reasonably should know that the aircraft is occupied. Aiming a laser pointer at an occupied aircraft is a class 1 (highest) misdemeanor. If the act renders the pilot unable to safely operate the aircraft or causes serious physical injury to any person on board it is an assault. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Orr  
Last Action: 4/30, signed by Governor, Chapter 257  
ARS Titles Affected: 13

### **HB 2221: WORKERS' COMP; CONTROLLED SUBSTANCES**

Modifies requirements for the use of a narcotic or opium-based controlled substance for injuries covered by workers' compensation, including requiring the medication to demonstrate "clinically meaningful improvement in function" (defined). Requires physicians to report various results and steps of prescription use and monitoring to the carrier, self-insured employer or Industrial Commission. Specifies procedures for noncompliance by a physician. A workers' compensation insurance carrier, self-insured employer or claims processing representative is not responsible for payment of any workers' compensation benefits unless the billings are received and any court action for the payment of the billings is commenced within 24 months from the date the service was rendered. Previously, a court action for the payment was not considered. A subsequent billing or corrective billing does not restart the limitations period. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Fann  
Last Action: 4/16, signed by Governor, Chapter 52  
ARS Titles Affected: 23

### **HB 2306: FINGERPRINT CLEARANCE CARDS; PERIODIC CHECKS**

The Department of Public Safety is required, instead of permitted, to conduct periodic state criminal history records checks, and is permitted to conduct periodic federal criminal history records checks when authorized by federal law, for the purpose of updating fingerprint clearance cards. The list of offenses that preclude a person from receiving a fingerprint clearance card is expanded to include trafficking of persons for forced labor or services. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/16, signed by Governor, Chapter 56  
ARS Titles Affected: 41

### **HB 2307: COUNTY ATTORNEY; DEFERRED PROSECUTION FUND**

Requires the statistical records maintained by the county attorney of any county that has established a deferred prosecution program to include specified information, and requires the annual evaluation of the program to be submitted to the Joint Legislative Budget Committee. On request of a county attorney, the Arizona Prosecuting Attorney's Advisory Council is required to provide technical assistance to the county attorney to develop or refine the county attorney's deferred prosecution program. Counties are authorized to establish a county attorney deferred prosecution fund. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/23, signed by Governor, Chapter 206  
ARS Titles Affected: 11

### **HB 2310: CRIMINAL JUSTICE INFO; COURT REPORTING**

The list of entities authorized to exchange criminal justice information with the central state repository or through the Arizona criminal justice information system is expanded to include the superior court for the purpose of determining an individual's eligibility for substance abuse and treatment courts in a family or juvenile case. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/22, signed by Governor, Chapter 142  
ARS Titles Affected: 41

### **HB 2312: TAMPERING WITH A WITNESS**

The definition of tampering with a witness, a class 6 (lowest) felony, is expanded to include knowingly communicating with a witness to evade a summons or subpoena. A defendant or his/her attorney or agent are prohibited from interviewing a minor child who has agreed to the interview unless the prosecutor is actually notified at least five days in advance and the minor is informed that the prosecutor may be present at the interview. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/22, signed by Governor, Chapter 144  
ARS Titles Affected: 13

### **HB 2322: NATIONAL INSTANT CRIMINAL BACKGROUND CHECKS**

If a person is found incompetent, subsequently found competent, or is found guilty except insane by a court, the court is required to transmit specified case information to the Supreme Court, and the Supreme Court is required to transmit it to the Department of Public Safety. The Dept is required to transmit the case information to the National Instant Criminal Background Check System. Unless the court makes a specific finding that the appointment of a guardian is due solely to a ward's physical incapacity, at the time of appointing a guardian, the court is required to transmit information on the ward and the guardian's appointment to the Supreme Court, and the Supreme Court is required to transmit it to the Dept for transmittal to the National Instant Criminal Background Check System. The definition of "prohibited possessor" of a deadly weapon and the list of persons prohibited from obtaining a security guard agency license are expanded to include any person who has been found incompetent according to the Arizona Rules of Criminal Procedure and any person who is found guilty except insane. Effective January 1, 2015. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/30, signed by Governor, Chapter 261  
ARS Titles Affected: 13 14 32 36

### **HB 2323: BLUE ALERT NOTIFICATION SYSTEM**

The Department of Public Safety is required to establish a blue alert notification system as a quick response system designed to issue and coordinate alerts following an attack on a law enforcement officer that meets specified conditions. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/15, signed by Governor, Chapter 34  
ARS Titles Affected: 41

### **HB 2336: FIREARMS; LAW ENFORCEMENT OFFICERS**

A peace officer or retired peace officer may be prohibited from carrying a firearm when consuming alcohol at any licensed liquor establishment, instead of only licensed liquor establishments operated by the state, a county, a municipality or any other political subdivision. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Barton  
Last Action: 4/22, signed by Governor, Chapter 147  
ARS Titles Affected: 38

### **HB 2382: CONSPIRACY; HOMICIDE; STATURE OF LIMITATION**

A prosecution for any conspiracy to commit homicide that results in the death of a person may be commenced at any time. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Olson  
Last Action: 4/23, signed by Governor, Chapter 208  
ARS Titles Affected: 13

## **HB 2404: AGENCIES; THIRD-PARTY ELECTRONIC SERVICE PROVIDERS**

Any state agency is permitted to authorize any person to be a "third-party electronic service provider" (defined). Requirements for these providers are specified. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Stevens

Last Action: 4/22, signed by Governor, Chapter 148

ARS Titles Affected: 41

## **HB 2437: PUBLIC COMMITTEES; REPEAL; SUNSET**

Requires any new study committee established by the Legislature to include in its enabling legislation a specific expiration date for the committee that is not more than eight years after the effective date of the enabling legislation. The Joint Legislative Committee on Homeland Security is renamed the Joint Legislative Committee on Border and Homeland Security, the Committee's duties are expanded to include border security issues, and the Committee is required to submit a report to the Governor and the Legislature by December 31 of each year. Repeals the Child Support Committee, the Domestic Relations Committee and the Joint Legislative Committee on Adoption Promotion. Repeals the Community Notification Guidelines Committee, and establishes statutory community notification requirements for sex offenders to notify the surrounding neighborhood, area schools, appropriate community groups and prospective employers, including requiring level 2 or 3 offenders to give a flyer with specified information to the local electronic and print media to enable information to be placed in a local publication. Repeals the Arizona Housing Commission, the Task Force for Retraining Disabled Military Veterans, the State Agency Fee Commission, the Probate Advisory Panel, the Joint Legislative Oversight Committee on Residual Contamination of Drug Properties, the Task Force for Retraining Disabled Military Veterans, the Performance Based Incentives Program Oversight Committee, the Administrative Rules Oversight Committee, the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona, the Joint Legislative Committee on Federal Mandates, the Arizona Aerospace and Defense Commission, the Commission on Privatization, Efficiency and Competition and various committees established in session law. Establishes a termination date of July 1, 2018 for the Joint Legislative Audit Committee, a termination date of July 1, 2019 for the Arizona Peace Officers Memorial Board and the Senior Advisory Committee for Homeland Security, a termination date of July 1, 2020 for the Joint Border Security Advisory Committee and the Data Governance Commission in the Department of Education, a termination date of July 1, 2021 for the State Emergency Council and the Rural Business Development Advisory Council and the Tobacco Revenue Use Spending and Tracking Commission, a termination date of July 1, 2022 for the Joint Legislative Income Tax Credit Review Committee, a termination date of July 1, 2024 for the Oversight Council on Driving or Operating Under the Influence Abatement, the School Bus Advisory Council and the Maricopa County Regional Planning Agency, a termination date of July 1, 2025 for the Legislative Governmental Mall Commission, and a termination date of July 1, 2026 for the Debt Oversight Commission and the Joint Committee on Capital Review. Establishes a termination date of July 1, 2019 for the state's participation in the Multistate Highway Transportation Agreement, and of July 1, 2020 for Arizona's participation in the Education Commission of the States. Beginning in 2022 and every eight years thereafter, the Legislature is required to review the state's participation in the Interstate Commission for Adult Offender Supervision in order to determine whether to remain a compacting state. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Gowan

Last Action: 4/24, signed by Governor, Chapter 229

ARS Titles Affected: 41 48

### **HB 2453: SYNTHETIC DRUGS; REPORTING**

For the purpose of the Criminal Code, the definitions of "dangerous drug" and "narcotic drugs" are expanded to include specified substances. An entity that sells or otherwise furnishes any precursor chemical or regulated chemical to any person in Arizona and is required to report those transactions to a federal agency is no longer required to submit a report of the transactions to the Department of Public Safety. Emergency clause. AS SIGNED BY GOVERNOR.

First sponsor: Rep. E. Farnsworth  
Last Action: 4/15, signed by Governor, Chapter 36  
ARS Titles Affected: 13

### **HB 2454: HUMAN TRAFFICKING; PROSTITUTION**

Various changes relating to human trafficking. For cases where the minor is 15, 16 or 17 years of age, the minimum, presumptive and maximum sentences are increased for a person who commits child prostitution by causing a minor to engage in prostitution or financing, controlling or owning prostitution activity involving a minor. It is child prostitution to engage in prostitution with a minor who the person should have known, instead of only who the person knows, is 15, 16 or 17 years of age. The list of acts constituting aggravating circumstances for sentencing felony sex trafficking is expanded to include that the defendant recruited, enticed or obtained the victim from a shelter designed to serve victims of human trafficking, domestic violence or sexual assault, or runaways, foster children or the homeless. Escorts and escort agencies licensed by a municipality are prohibited from advertising escort services unless the "advertisement" (defined) includes the escort's license number or business license number of the escort agency. Escorts and escort agencies are required to retain on file for at least one year proof of the age of any escort whose services are offered in any advertisement of escort services. Massage therapists and massage therapy businesses are prohibited from advertising massage therapy services unless the "advertisement" (defined) includes the massage therapist's license number or the business license number of the massage therapy business. Massage therapists and massage therapy businesses are required to retain on file for at least one year proof of the age of any massage therapist whose services are offered in any advertisement of massage therapy services. The Attorney General, county attorney or municipal attorney are authorized to bring an action to enforce these requirements. Violations of these requirements are subject to a civil penalty of \$500 for a first violation, \$1,500 for a second violation and \$5,000 for a third or subsequent violation. Civil penalties are deposited in the newly established Human Trafficking Victim Assistance Fund. The Governor's Office for Children, Youth and Families is required to spend monies in the Fund to provide assistance to victims of sex trafficking and trafficking of persons for forced labor or services. Child prostitution, sex trafficking, and trafficking of persons for forced labor or services are added to the list of acts that constitute "racketeering." Monies in the Anti-Racketeering Revolving Fund may be used for programs that provide assistance to victims of organized crime, fraud and terrorism offenses. It is pandering, a class 5 (second-lowest) felony, to compel or encourage any person to become a prostitute or engage in an act of prostitution, instead of to "lead a life of prostitution." It is commercial sexual exploitation of a minor, a class 2 (second-highest) felony, to use an advertisement for prostitution that contains a visual depiction of a minor, with some exceptions. If a person committed acts of prostitution as a direct result of being a victim of sex trafficking, it is an affirmative defense to prosecution for prostitution. Severability clause. AS SIGNED BY GOVERNOR.

First sponsor: Rep. E. Farnsworth  
Last Action: 4/22, signed by Governor, Chapter 151  
ARS Titles Affected: 13

### **HB 2457: MENTAL HEALTH; VETERANS COURTS; ESTABLISHMENT**

The presiding judge of the superior court in each county is authorized to establish a veterans court and mental health court. The judge must establish the eligibility criteria for referral to these courts. AS SIGNED BY GOVERNOR.

First sponsor: Rep. E. Farnsworth  
Last Action: 4/15, signed by Governor, Chapter 37  
ARS Titles Affected: 22

### **HB 2462: VIRTUAL BORDER FENCE**

Statute authorizing the Governor to enter into an interstate compact to build a border fence is modified to allow construction and maintenance of a physical or virtual fence within one mile of the Arizona-Mexico border, using technology to the maximum extent practicable. AS SIGNED BY GOVERNOR.

First sponsor: Rep. E. Farnsworth  
Last Action: 4/23, signed by Governor, Chapter 170  
ARS Titles Affected: 41

### **HB 2483: FIREARMS; PRIVATE LAND; LAWFUL DISCHARGE**

County ordinances are prohibited from preventing, restricting or otherwise regulating the lawful discharge of a firearm or air gun or use of archery equipment on a private lot or parcel of land that is not open to the public on a commercial or membership basis. The otherwise lawful discharge of a firearm or air gun or use of archery equipment cannot be enjoined by the court except under specified circumstances shown by clear and convincing evidence. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Kavanagh  
Last Action: 4/16, signed by Governor, Chapter 62  
ARS Titles Affected: 11 12 13

### **HB 2505: LEAVING ACCIDENT SCENE; ALCOHOL; PENALTY**

If the court finds by a preponderance of the evidence that a person's use of intoxicating liquor, drugs, or vapor releasing substances was a contributing factor to a motor vehicle accident, the court is required to order the person to complete alcohol or other drug screening. If the person's driver license or permit is suspended as a result of a conviction related to the accident, the Department of Transportation may require the alcohol or drug screening as a condition of license reinstatement. Additionally, the penalty for a driver failing to render reasonable assistance to a person injured in an accident caused by the driver is increased to a class 6 (lowest) felony, from a class 3 (mid-level) misdemeanor. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Gray  
Last Action: 4/15, signed by Governor, Chapter 38  
ARS Titles Affected: 28

### **HB 2515: UNLAWFUL DISTRIBUTION OF PRIVATE IMAGES**

It is a class 5 (second-lowest) felony to intentionally disclose, display, distribute, publish, advertise or offer a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in specific sexual activities if the person knows or should have known that the depicted person has not consented to the disclosure. If the depicted person is recognizable, the classification is increased to a class 4 (mid-level) felony. Some exceptions. Unlawful distribution of private images is added to the list of acts that constitute domestic violence when specified relationships exist between the victim and the defendant. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Mesnard  
Last Action: 4/30, signed by Governor, Chapter 268  
ARS Titles Affected: 13

### **HB 2535: CERTIFICATION OF FIREARM TRANSFERS**

If certification by a "chief law enforcement officer" (defined) is required by federal law or regulation for the transfer of a firearm, the officer is required to provide the certification within 60 days after receipt of a request if the applicant is not prohibited by law from receiving the firearm or is not the subject of a proceeding that could result in the applicant being prohibited from receiving the firearm. If the chief law enforcement officer is unable to provide a certification, he/she must notify the applicant in writing of the denial and the reason for this determination. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Kavanagh  
Last Action: 4/23, signed by Governor, Chapter 173  
ARS Titles Affected: 13

### **HB 2546: ALARM BUSINESS; ALARM AGENTS; REGULATION**

The Board of Technical Registration is permitted, instead of required, to deny an application for certification as an alarm business or alarm agent if a controlling person of an alarm business or an alarm agent lacks good moral character or has been convicted of an act involving moral turpitude as established by evidence of past criminal activity and determined by the Board, instead of for conviction of a specified list of crimes. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Gowan  
Last Action: 4/23, signed by Governor, Chapter 174  
ARS Titles Affected: 32 42

### **HB 2563: JUVENILE CRIME VICTIMS' RIGHTS**

Various changes to victims' rights for juvenile offenses, including that a vulnerable adult is added to certain protections granted to a minor. Adds various requirements that victims be given notice of specified rights. A victim's "identifying information" and "locating information" (both defined) obtained or reported by a law enforcement or prosecution agency must be redacted in publicly accessible records pertaining to the criminal case involving the victim, with some exceptions. Statute governing the effect of failure to comply is repealed and replaced. A victim of a delinquent act has the right to receive one copy of the police report from the investigating law enforcement agency at no charge. A juvenile who is adjudicated in a delinquency proceeding is precluded from subsequently denying the essential allegations of the delinquent act in any civil proceeding brought by the victim or the state, including adjudications resulting from no contest pleas. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/30, signed by Governor, Chapter 269  
ARS Titles Affected: 8 39

### **HB 2565: MANSLAUGHTER; ASSISTING SUICIDE**

The definition of "manslaughter," a class 2 (second-highest) felony, is modified to include intentionally providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide, instead of intentionally aiding another to commit suicide. AS SIGNED BY GOVERNOR.

First sponsor: Rep. J. Pierce  
Last Action: 4/30, signed by Governor, Chapter 270  
ARS Titles Affected: 13

### **HB 2591: JOINT POWERS PUBLIC SAFETY COMMITTEE**

The chief law enforcement officer from two or more municipalities, Indian tribes or counties are permitted to establish a joint powers public safety committee for the purpose of facilitating the sharing of criminal justice information between law enforcement agencies. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Kavanagh  
Last Action: 4/30, signed by Governor, Chapter 271  
ARS Titles Affected: 11

### **HB 2625: PENALTY ASSESSMENT; VICTIM'S RIGHTS ENFORCEMENT**

Establishes a penalty assessment of \$2 to be levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and on any civil penalties imposed for traffic violations or violations of game and fish statutes. Monies collected from the assessment are deposited in the newly established Victim's Rights Enforcement Fund, to be administered by the Department of Public Safety. The Dept is required to distribute monies from the Fund to nonprofit organizations and entities that provide specified services to crime victims and meet other specified requirements. Effective January 1, 2015. AS SIGNED BY GOVERNOR.

First sponsor: Rep. Tobin  
Last Action: 4/22, signed by Governor, Chapter 158  
ARS Titles Affected: 12 41

## Senate Bills Vetoed By The Governor

### **SB 1366: FIREARM; DEFINITION**

For the purpose of the criminal code, the definition of "firearm" would have been modified to exclude any weapon that may readily be converted to expel a projectile and to include any weapon that will expel a projectile through a barrel or tube by the action of rapidly expanding gases created by a burning propellant or burning powder, instead of by the action of an explosive. The list of acts constituting misconduct involving weapons, a class 4 (mid-level) felony, would have been expanded to include possessing any device that may be readily converted into a firearm if the person is a prohibited possessor. AS VETOED BY GOVERNOR. Her veto message stated that excluding certain weapons that could cause serious injury or a fatality from the definition of firearm would have allowed those weapons into public buildings and prohibited law enforcement officers from temporarily taking such a weapon away from someone during an interaction or interview.

First sponsor: Sen. Murphy

Last Action: 4/24, VETOED by the Governor

ARS Titles Affected: 13

## House Bills Vetoed by the Governor

### **HB 2024: AGGRESSIVE SOLICITATION; OFFENSE**

A person would have been prohibited from soliciting money or the sale of goods or services within 15 feet of a bank entrance or ATM, in any public transportation vehicle or within 10 feet of a bus stop, or in various situations involving making physical contact with or obstructing the passage of the person being solicited, or in a manner that is likely to cause a reasonable person to fear imminent bodily harm. Violations would have been a class 1 (highest) misdemeanor. Being present in a public place to beg would have been removed from the acts constituting loitering, a class 3 (mid-level) misdemeanor. AS VETOED BY GOVERNOR. Her veto message stated that it is unclear what statewide concern this legislation intends to address and that political subdivisions are in a better position to address this issue as it applies to their local community.

First sponsor: Rep. Kavanagh

Last Action: 4/17, VETOED by the Governor

ARS Titles Affected: 13

### **HB 2313: CAPITAL SENTENCING; AGGRAVATORS; SERIOUS OFFENSES**

The list of aggravating factors the trier of fact must consider in determining whether to impose a sentence of death would have been expanded to include a substantial likelihood that the defendant would commit criminal acts of violence that constitute a continuing threat to society. For the purpose of aggravating and mitigating factors for capital sentencing, the definition of "serious offense" would have been expanded to include smuggling and participating in or assisting a human smuggling organization. AS VETOED BY GOVERNOR. Her veto message stated that this legislation broadens the scope of those eligible for the death penalty to the point where the constitutionality of Arizona's death penalty would likely be challenged and potentially declared to be unconstitutional.

First sponsor: Rep. J. Pierce

Last Action: 4/24, VETOED by the Governor

ARS Titles Affected: 13

### **HB 2338: AGGRAVATED ASSAULT; FIREARM**

The circumstances under which the commission of assault becomes aggravated assault would have been expanded to include if the person knowingly takes or attempts to exercise control over a person's lawfully possessed firearm with the intent to cause harm with that firearm. Aggravated assault for this reason would have been a class 4 (mid-level) felony. Would not have applied to a peace officer who takes or attempts to exercise control over a person's firearm while engaged in the execution of official duties or to a person who is justified in using physical force or deadly physical force pursuant to statute. AS VETOED BY GOVERNOR. Her veto message stated that current law already provides appropriate penalties for the conduct described in this legislation.

First sponsor: Rep. Barton  
Last Action: 4/23, VETOED by the Governor  
ARS Titles Affected: 13

### **HB 2339: FIREARMS; PERMIT HOLDERS; PUBLIC PLACES**

It would not have been considered misconduct involving weapons to carry a deadly weapon at a public establishment or event if the person possessed a valid concealed weapons permit. Would not have applied to public establishments or events that had security personnel and electronic weapons screening devices and that required each person carrying a deadly weapon to leave it in possession of the security personnel while the person was in the establishment or event. Would not have applied to an "educational institution" (defined elsewhere in statute), community colleges, public universities, or the licensed premises of any public establishment with a liquor license. AS VETOED BY GOVERNOR. Her veto message stated that she vetoed similar measures in 2011 and 2012 and the majority of her concerns were not address in this bill, and that she is concerned about the unfunded mandate this bill establishes on state and local governments, which is an unnecessary diversion of limited resources.

First sponsor: Rep. Barton  
Last Action: 4/22, VETOED by the Governor  
ARS Titles Affected: 13

### **HB 2459: RULEMAKING; RESTRICTIONS**

State agencies would have been prohibited from adopting any new rule that would increase existing regulatory restraints or burdens on the free exercise of property rights or the freedom to engage in an otherwise lawful business or occupation, unless the rule was a component of a comprehensive effort to reduce regulatory restraints or burdens or was strictly ministerial in implementing legislative standards. Any person subject to a civil or criminal proceeding arising from the enforcement of a rule in violation would have had a defense to the enforcement action. Would not have applied to rules governing public employees or rules necessary for health regulatory boards to provide for public safety and enforce the standard of care. AS VETOED BY GOVERNOR. Her veto message stated that while she commends the sponsor for the effort to reduce regulations, she believes this legislation would have unintended consequences negatively affecting state agencies' ability to implement state law.

First sponsor: Rep. E. Farnsworth  
Last Action: 4/23, VETOED by the Governor  
ARS Titles Affected: 41

## **HB 2517: FIREARMS; STATE PREEMPTION; PENALTIES**

If a political subdivision enacted any ordinance, regulation, tax or rule that violated statute limiting political subdivisions regulating firearms, a court would have been required to declare the improper act invalid and issue a permanent injunction against the political subdivision from continuing the act. If a court determined the violation was knowing and willful, the court would have been required to assess a civil penalty of up to \$5,000 against the elected or appointed government official or administrative agency head under whose jurisdiction the violation occurred. A person or organization whose membership was adversely affected by an act would have been permitted to file a civil action against the political subdivision in any court having jurisdiction over any defendant for declaratory relief and actual damages. The court would have been required to award the prevailing plaintiff in any civil action reasonable attorney fees and the actual damages incurred, up to \$100,000. AS VETOED BY GOVERNOR. Her veto message stated that a person or organization who perceives that an ordinance is illegal may already seek remedies through the legal system, and that this bill broadly mandates that a court make findings and take prescribed action without regard to consideration of facts.

First sponsor: Rep. Smith

Last Action: 4/22, VETOED by the Governor

ARS Titles Affected: 13

## **Senate Bills That Failed**

S1011: PSYCHOLOGISTS; PRESCRIPTION AUTHORITY	1/13	referred to Senate hel-hu ser.
S1014: DRUG POSSESSION; MEDICAL ASSISTANCE; PROBATION	1/13	referred to Senate jud, gov-env.
S1015: PARENTING TIME; DECISION-MAKING; ASSAULT; PROHIBITION	1/13	referred to Senate jud.
S1036: RACKETEERING; ANIMAL FIGHTING; COCKFIGHTING	1/13	referred to Senate jud.
S1037: ANIMAL ABUSER REGISTRATION; REGISTRY	1/13	referred to Senate jud, appro.
S1049: DUTY TO REPORT ABUSE; RECORDS	3/31	House COW approved.
S1063: MISCONDUCT INVOLVING WEAPONS; FIREARM STORAGE	3/20	from House jud do pass.
S1064: FIREARM; DEFINITION	2/11	from Senate rules okay. Stricken from Senate consent calendar by Gallardo.
S1067: DEATH PENALTY; REPEAL	1/15	referred to Senate jud, pub safety.
S1104: STATE EMPLOYEES; BACKFILLING; REWARD INCENTIVES	1/21	referred to Senate gov-env, appro.
S1122: MARIJUANA; DEFINITION	2/17	FAILED Senate jud 4-5.

S1156: PROHIBITED ELECTRONIC DATA; METADATA COLLECTION	2/25	from Senate rules okay.
S1176: CHANGE OF VENUE; GUARDIANSHIP	2/18	from Senate rules okay.
S1234: PUBLIC OFFICERS; CONFLICT OF INTEREST	1/28	referred to Senate elect, gov- env.
S1238: ELECTRONIC RECORDS; STATE LIBRARY	2/25	referred to House gov, appro.
S1246: ANTI-RACKETEERING REVOLVING FUND; USE	1/28	referred to Senate jud.
S1249: DANGEROUS AND INCOMPETENT DEFENDANTS; COMMITMENT	3/13	referred to House jud, appro.
S1256: CHILDREN; REPORTING; CRIMINAL CONDUCT	1/29	referred to Senate hel-hu ser, pub safety.
S1278: PEACE OFFICER TRAINING; CONSTITUTIONAL LAW	1/30	referred to Senate rules only.
S1285: ANTI-RACKETEERING REVOLVING FUND; EQUINE CARE	2/3	referred to Senate jud, appro.
S1290: FEDERAL SEARCH; SEIZURE; SHERIFF; PERMISSION	2/13	from Senate pub safety do pass.
S1294: SECOND AMENDMENT VIOLATIONS; PROHIBITED ACTIVITIES	2/25	from Senate rules okay.
S1296: AHCCCS; CONTRACTORS; PRESCRIPTION MONITORING	3/5	referred to House hel.
S1297: AHCCCS; CONTROLLED SUBSTANCES; MONITORING	3/5	referred to House hel.
S1299: IMMIGRATION; LAW ENFORCEMENT; REPEAL	2/3	referred to Senate jud, gov- env.
S1315: FEDERAL MONIES; LEGISLATIVE APPROP	3/20	from House appro do pass.

## House Bills That Failed

H2020: LIVE ANIMAL PRIZES PROHIBITED	1/14	referred to House jud.
H2022: ANIMAL ABUSE; PROHIBITED ANIMAL OWNERSHIP	1/14	referred to House jud.
H2023: FINGERPRINT CLEARANCE CARDS; MANDATORY UPDATES	1/14	referred to House pub-mil-reg.
H2025: UNATTENDED CHILD IN MOTOR VEHICLE	1/15	referred to House jud.
H2026: MUNICIPAL COURTS; HOURS; LEGAL HOLIDAYS	1/15	referred to House gov.
H2057: SETTING ASIDE CONVICTION; PUBLIC RECORDS	1/28	referred to House jud.
H2132: VOTING RIGHTS; RESTORATION; FELONIES	1/28	referred to House jud.
H2143: SALVIA DIVINORUM; UNLAWFUL ACTS; DEFENSE	1/28	referred to House jud.
H2156: TECH CORRECTION; DEFRAUDING SECURED CREDITORS	4/23	referred to House rules only.
H2157: TECH CORRECTION; EMERGENCY INTERCEPTION	4/23	referred to House rules only.
H2168: TECH CORRECTION; DOUBLE PUNISHMENT	4/23	referred to House rules only.
H2191: STATE GUARD; FIREARM; EQUIPMENT	4/23	referred to House rules only.
H2192: UNLAWFUL USE; PUBLIC RESOURCES; OFFENSE	4/23	referred to House rules only.
H2207: UNLAWFUL DISCHARGE OF FIREARMS; INTOXICATION	1/28	referred to House jud.
H2209: JUSTIFICATION; SELF DEFENSE; SENTENCING	1/28	referred to House jud.
H2215: RACKETEERING; ANIMAL FIGHTING; COCKFIGHTING	1/22	referred to House jud.
H2217: ANIMAL ABUSER REGISTRATION; REGISTRY	1/22	referred to House agri-water, jud.
H2243: GRAFFITI IMPLEMENTS; UNLAWFUL ACTS; MINORS	1/28	referred to House jud.
H2280: TECH CORRECTION; PROSTITUTION; EMPLOYMENT	4/23	referred to House rules only.
H2282: AG REPRESENTATION; NONPARTY SUBPOENA	2/13	House jud held.
H2296: CUSTODIAL INTERFERENCE; DEFENSE	1/28	referred to House jud.
H2299: TECH CORRECTION; ESCAPE; SECURE FACILITY	4/23	referred to House rules only.
H2301: TECH CORRECTION; CIVIL RIGHTS; RESTORATION	2/20	FAILED House jud 4-4. From House jud with amend #4259 on reconsideration.

H2305: COMPACT; BALANCED BUDGET; CONVENTION	3/24	from Senate gov-env do pass. From Senate jud do pass.
H2309: FIREARMS; PROSECUTORS; LAW ENFORCEMENT OFFICERS	3/3	referred to Senate jud.
H2314: PROSECUTOR PRESENCE; INTERVIEW OF MINOR	3/6	from Senate hel-hu ser do pass.
H2318: DOMESTIC VIOLENCE; ARREST PREDOMINANT AGGRESSOR	3/3	referred to Senate jud.
H2337: MISCONDUCT INVOLVING WEAPONS; APPLICATION	1/28	referred to House jud.
H2345: CONCEALED CARRY; PERMIT REQUIREMENTS; OFFENSE	2/3	referred to House jud.
H2346: FIREARMS; SALES; TRANSFERS; BACKGROUND CHECKS	1/28	referred to House pub-mil-reg.
H2352: PROHIBITED POSSESSOR; VOLUNTARY COMMITMENT; RESTORATION	2/3	referred to House jud.
H2356: MANDATORY MENTAL HEALTH EVALUATION; ADMISSION	1/22	referred to House hel, pub-mil-reg.
H2365: DRUG POSSESSION; MEDICAL ASSISTANCE; PROBATION	2/11	referred to House jud.
H2368: COMMUNITY SUPERVISION; EARNED RELEASE CREDITS	1/28	referred to House jud.
H2372: SENTENCING; MINIMUM & MAXIMUM TERMS	1/28	referred to House jud.
H2373: IMMIGRATION; LAW ENFORCEMENT; REPEAL	1/28	referred to House fed-fiscal.
H2399: PROSTITUTION; CHILDREN; TRAFFICKING	1/28	referred to House jud.
H2412: FIREARMS; SCHOOLS; SAFETY DESIGNEE PROGRAM	2/27	from House appro with amend #4379.
H2413: SCHOOLS; BONDING LEVEL INCREASE; REPEAL	2/18	from House ways-means do pass.
H2440: GAMBLING; RAFFLE MANAGEMENT; SALES; OPERATIONS	1/30	referred to House jud.
H2445: RESTORATION; RIGHTS; OTHER JURISDICTIONS	1/30	referred to House jud.
H2447: CRIMINAL RESTITUTION WRITS; TIME LIMIT	2/11	referred to House jud.
H2460: PROBATION; COMMUNITY SUPERVISION; SEARCH; SEIZURE	1/30	referred to House jud.
H2474: MARIJUANA; SENTENCE; CIVIL PENALTY; FINES	1/30	referred to House jud.
H2480: PROSTITUTION; SENTENCING	1/28	referred to House com.
H2484: LOBBYISTS; FALSE OR UNAUTHORIZED INFORMATION	2/13	from House jud with amend #4147.

H2498: CONFLICT OF INTEREST; OFFICERS; EMPLOYEES	1/28	referred to House gov.
H2518: JUSTIFICATION; DEADLY PHYSICAL FORCE; EXCEPTIONS	2/3	referred to House jud.
H2520: RACIAL IMPACT STATEMENTS; LEGISLATIVE COUNCIL	1/30	referred to House gov.
H2538: UNMANNED AERIAL VEHICLES; PROHIBITED	2/3	referred to House jud.
H2542: LOADED FIREARMS; STORAGE	2/3	referred to House jud.
H2545: BICYCLISTS; PUBLIC WAYS	2/13	House trans held.
H2547: MAJOR EVENT PUBLIC SAFETY REIMBURSEMENT	4/22	Senate COW FAILED to approve after adopting amend #4815 and a Crandell floor amendment. Roll call: 10-16.
H2581: CRIMINAL TRESPASS; LAW ENFORCEMENT OFFICERS	3/18	from Senate jud do pass.