

**NOTICE OF PUBLIC MEETING OF THE  
JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION  
AND  
AGENDA**

Pursuant to A.R.S § 38-431.02, notice is hereby given to the members of the **Legislative Committee** of the Arizona Criminal Justice Commission and to the general public that the **Joint Executive Committee** and **Legislative Committee** will hold a meeting open to the public on **Friday, March 3, 2017** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 230, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

Agenda for the meeting is as follows:

**I. Call to Order and Roll Call** **Chairperson David Sanders**

*Executive Committee Members:*

Sean Duggan, Chairperson  
Sheila Polk, Vice Chairperson  
David Byers  
Joe Brugman  
Charles Ryan  
David Sanders

*Legislative Committee Members:*

David Sanders, Chairperson  
David Byers  
K.C. Clark  
Barbara LaWall  
Frank Milstead  
Danny Sharp

**II. Minutes of February 17, 2017 Meeting**

- Approval of Minutes

**P-F-T**

**III. ACJC Legislation**

**Andrew T. LeFevre**

- Review and discussion of ACJC priority legislation

**IV. Review Introduced Criminal Justice Legislation Andrew T. LeFevre**

- Review, discussion, consideration and possible action on support of various criminal justice legislation:
  1. HB 2066 (Aggravated DUI; Sentence; County Jail)

**S-O-N-M**

2. SB 1278 ( Felony Pretrial Intervention Programs; Appropriation)

**S-O-N-M**

3. HB 2477 (Civil Forfeiture; Report Information; Remedies)

**S-O-N-M**

4. HB 2170 (Anti-Racketeering Monies; Police Training)

**S-O-N-M**

5. SB 1035 (Technical Correction; Building Codes) S/E Prearrest; Postbooking; Diversion Program

**S-O-N-M**

6. HB 2211 (Alcohol; Drug Monitoring Program; Establishment) S/E Drug & Alcohol Treatment Programs; Reports

**S-O-N-M**

7. SB 1069 (Vacating Felony Conviction; Record Destruction) S/E Setting Aside Conviction; Employment

**S-O-N-M**

**V. Call to the Public**

Those wishing to address the Committee need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

**VI. Date, Time, and Location of Next Meeting**

- The next Legislative Committee meeting will be held at the call of the Chairperson

**VII. Adjournment**

A copy of the agenda background material provided to Committee members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.



**JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION**

**Request for Committee Action**

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
March 3, 2017	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the February 17, 2017 Meeting

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**TO:** Chairperson and Committee Members

**FROM:** David Sanders, Chairperson

**RECOMMENDATION:**

The Committee approve the minutes of the Legislative Committee meeting held on February 17, 2017.

**DISCUSSION:**

N/A

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Not Approve - Modify - Table

**Joint Executive and Legislative Committees  
Minutes  
February 17, 2017**

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Friday, February 17, 2017 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

Sean Duggan, Chairperson, Chandler Police Chief, by conference call  
Sheila Polk, Vice Chairperson, Yavapai County Attorney, by conference call  
David Byers, by conference call  
Charles Ryan, Department of Corrections, Art Harding representing by conference call  
David Sanders, Chairperson, Pima County Chief Probation Officer, by conference call  
K.C. Clark, Navajo County Sheriff, by conference call  
Frank Milstead, Director, Department of Public Safety, Courtney Coolidge representing by conference call  
Danny Sharp, Chief, Oro Valley Police Department, by conference call

Other Participants:

Jerry Landau, Legislative Liaison Arizona Supreme Court

ACJC Staff Participating:

Andy LeFevre, Executive Director  
Jaime Watson, Public Information Officer/Legislative Liaison  
Roxanne Harris, Legislative Intern

**I. Call to Order and Roll Call**

The meeting was called to order by Legislative Committee Chairperson David Sanders at 1:32pm. Roll was taken and a quorum was declared present.

**II. Minutes of the February 3, 2017 Meeting**

Chairperson Sanders called for a motion on the minutes. Sheila Polk entered a motion to approve the minutes of the meeting held on February 3, 2017. The motion was seconded by Danny Sharp and was unanimously approved by the Committee.

**III. ACJC Legislation**

Andy LeFevre, Executive Director, gave an overview of the first 40 days of the 2017 legislative session. 1054 bills were dropped in total, 111 passed out of House committees and 90 passed out of Senate Committees. ACJC tracked 165 bills.

Andy LeFevre provided updates on ACJC approved legislation for the 2017 legislative session.

Andy LeFevre provided an information update on HB 2085 and HB 2087. Both passed through the House and have been assigned to the Senate Judiciary Committee. Neither have been assigned hearing dates.

Andy LeFevre provided an update that HB 2375 passed out of the House Judiciary and Public Safety Committee on 2/15/17 with a unanimous vote for a due-pass recommendation. There is an amendment on the bill in Representative Farnsworth's name that provides clarification on medical providers' ability to opt in to the Victim Compensation Program.

Andy LeFevre provided an update that HB 2243 passed out of both the House Federalism, Property Rights and Public Policy Committee and the House Judiciary and Public Safety Committee. ACJC signed in as neutral on the bill. Andy will provide Representative Farnsworth with information on what needs to be included in the legislation so that ACJC can complete the reporting requirements it outlines.

Andy LeFevre informed the Commission that HB 2151 did not receive a hearing in the House Appropriations Committee and therefore will not continue in the legislative process.

Andy LeFevre informed the Commission that HB 2239 passed out of House Third Read and will be moving into the Senate.

#### **IV. Review Introduced Criminal Justice Legislation**

Andy LeFevre recommended the Commission continue to monitor HB 2066. The Committee approved and ACJC will continue to monitor and remain neutral on HB 2066.

Mr. LeFevre provided an information update on SB 1278 which includes an amendment in Senator Smith's name which names the Arizona Criminal Justice Commission as the agency responsible for distributing the monies to county attorney offices instead of the Administrative Office of the Courts. Sheila Polk entered a motion that the Commission remain neutral on SB 1278 with permission for ACJC to continue to work with bill sponsor on language. The motion was seconded by Danny Sharp and unanimously approved by the Committee.

Danny Sharp recommended the Commission remain neutral on SB 1035. The Committee members approved and ACJC will continue to monitor and remain neutral on SB 1035.

Andy LeFevre informed the Committee that HB 2170 passed out of both the House Judiciary and Public Safety Committee and the House Federalism, Property Rights & Public Policy Committee and recommended the Commission continue to monitor it. The Committee approved and ACJC will continue to monitor and remain neutral on HB 2170.

Andy LeFevre informed committee that ACJC signed in as neutral on HB 2477 in committee and expressed concerns with reporting timelines. Mr. LeFevre recommended the Commission continue to monitor HB 2477 and continue to work with Chairman Farnsworth on amendment language. The committee approved and ACJC will continue to monitor.

#### **V. Call to the Public**

Chairperson Sanders made a call to the public. No members of the public addressed the Committee.

#### **VI. Date, Time, and Location of Next Meeting**

The next Legislative Committee Meeting will be held Friday, March 3, 2017 by conference call at 1:30pm.

#### **VII. Adjournment**

The meeting was adjourned at 2:03pm.

Respectfully submitted,



Andrew T. LeFevre  
Executive Director

Audio recording is available upon request.



**JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION**

**Request for Committee Action**

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
March 3, 2017	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Review and discussion of ACJC priority legislation

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**TO:** Chairperson and Committee Members

**FROM:** Andy LeFevre, Executive Director

**RECOMMENDATION:**

N/A

**DISCUSSION:**

The Executive Committee and Legislative Committee shall discuss and review ACJC priority legislation.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

## **ACJC Approved Legislation**

### **1. HB 2085 (Sentencing Document; Fingerprint; Misdemeanor Offenses)**

Is a technical fix to A.R.S §13-607 that adds back in reference to sections 13-1802 (theft) and 13-1805 (shoplifting) that were taken out two sessions ago when ACJC passed legislation that moved fingerprinting requirements for the Arizona Computerized Criminal History systems into its own section. These two provisions should have remained in 13-607 and this bill will remedy that oversight.

ARS Titles Affected: 13

First sponsor: Rep. E. Farnsworth

Status: Passed House Third Read 2/1; Received a do-pass recommendation in Senate Judiciary 3/2

### **2. HB 2087 (Arizona Criminal Justice Commission; Continuation)**

The statutory life of the Arizona Criminal Justice Commission is extended ten years to July 1, 2027. Retroactive July 1, 2017.

ARS Titles Affected: 41

First sponsor: Rep. E. Farnsworth

Status: Passed House Third Read 1/30; Received a do-pass recommendation in Senate Judiciary 3/2

### **3. HB 2375 (Victims; Medical Bills; Prohibited Acts)**

A "licensed health care provider" (defined) who provides health and medical services to a victim or claimant and who accepts the full allowable payment for those services from a victim compensation program is deemed to have accepted the payment as the full payment for those services, and is prohibited from collecting or attempting to collect any payment for those services from the victim or claimant.

ARS Titles Affected: 41

First Sponsor: Rep. Boyer

Status: Passed House Third Read 2/21; Referred to Senate Judiciary

## **ACJC Supported**

### **1. HB 2243 (Anti-Racketeering Revolving Funds; Electronic Reports)**

The quarterly report that each government entity receiving monies from the Anti-Racketeering Revolving Fund is required to file with the Attorney General, and the summary report of that information that the Attorney General is required to file quarterly with the Arizona Criminal Justice Commission must be made in an



electronic format. The Commission is required to compile the reports quarterly, instead of annually, and submit a single comprehensive electronic report to the Governor and the Legislature.

ARS Titles Affected: 13

First sponsor: Rep. E. Farnsworth

Status: Passed House Third Read 2/22; Referred to Senate Judiciary

**2. HB 2239 (Incompetent; Nonrestorable Defendants; Involuntary Commitment)**

Various changes related to defendants who are incompetent to stand trial. If a defendant is charged with a sexually violent offense and the county attorney requests, the court is authorized to order a screening of the defendant to determine if the defendant is a sexually violent person. If the court orders a screening, one of the mental health experts appointed by the court is required to be a competent professional (defined elsewhere in statute). If a mental health expert appointed by the court determines that a defendant is incompetent to stand trial and not restorable to competency within 21 months, the expert is required to determine whether the defendant may be a sexually violent person. If a mental health expert determines that a defendant is incompetent to stand trial, the information that must be included in the expert's report is expanded to include the nature of the mental health disorder, disease or defect or of any personality or other disorder that makes the defendant likely to be "dangerous" (defined) or a sexually violent person, and if the prognosis includes a determination that there is no substantial probability that the defendant will regain competency within 21 months, whether the defendant should be considered dangerous or may be a sexually violent person. If the court finds that a defendant is incompetent to stand trial and that there is no substantial probability that the defendant will regain competency within 21 months, any party is permitted to request that the court hold a hearing to determine if the defendant is dangerous and should be involuntarily committed. The court is also authorized to order an assessment of the defendant's eligibility for private insurance or public benefits that may be applied to the expenses of the defendant's medically necessary maintenance and treatment. If an incompetent defendant is found to be not restorable to competency, the state is permitted to request a hearing to determine if the defendant is dangerous, which must be established by clear and convincing evidence after examination by mental health experts, and should be involuntarily committed to a secure state mental health facility. The psychiatrist, psychologist or other competent professional of the Arizona State Hospital (ASH) or a licensed facility under the supervision of the ASH is required to annually examine each person who is involuntarily committed due to a determination that the defendant is dangerous. The person who conducts the annual examination is required to submit an examination report to the court, and the report is required to contain specified information, including whether the person remains dangerous. If the report indicates that the person is competent to stand trial or is no longer dangerous, the court is required to hold a hearing within 45 days after receiving the report to determine whether the person is competent or is no longer dangerous. If after a hearing the court finds that the person has been restored to competency, the court is required to order that the criminal proceedings resume. If the court finds that the person has not been restored to competency, the court is required to take specified actions depending on whether the

court finds that the person is dangerous. If the Superintendent of ASH or the Director of the Department of Health Services determines that a person's mental illness, defect or disability has so changed that the person is no longer dangerous, the Superintendent or the Director is required to allow a person to petition the court for conditional release to a less restrictive alternative. If the court determines that conditional release to a less restrictive alternative is in the best interest of the person, will adequately protect the community, and meets a list of specified conditions, the court must enter judgment and order the person's conditional release, and the court may impose any conditions on the person that the court determines are necessary. Circumstances under which the court may deny the request for conditional release to a less restrictive alternative are specified. Establishes circumstances under which the court may revoke a conditional release. More.

ARS Titles Affected: 13 36

First Sponsor: Rep. E. Farnsworth

Status: Passed House Third Read 2/09; Received a do-pass recommendation in Senate Judiciary 3/2

# IV

## JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Committee Action

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Action Requested:	Type of Action Requested:	Subject:
March 3, 2017	<input type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Review Introduced Criminal Justice Legislation

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**TO:** Chairperson and Committee Members

**FROM:** Andy LeFevre, Executive Director

**RECOMMENDATION:**

N/A

**DISCUSSION:**

Review, discussion, consideration and possible action on support or opposition of various criminal justice legislation:

1. HB 2066 (Aggravated DUI; Sentence; County Jail)

**S-O-N-M**

2. SB 1278 ( Felony Pretrial Intervention Programs; Appropriation)

**S-O-N-M**

3. HB 2477 (Civil Forfeiture; Report Information; Remedies)

**S-O-N-M**

4. HB 2170 (Anti-Racketeering Monies; Police Training)

**S-O-N-M**

5. SB 1035 (Technical Correction; Building Codes) S/E Prearrest; Postbooking; Diversion Program

**S-O-N-M**

6. HB 2211 (Alcohol; Drug Monitoring Program; Establishment) S/E Drug & Alcohol Treatment Programs; Reports

**S-O-N-M**

7. SB 1069 (Vacating Felony Conviction; Record Destruction) S/E Setting Aside Conviction; Employment

**S-O-N-M**

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Not Approve - Modify - Table

1. **H2066 AGGRAVATED DUI; SENTENCE; COUNTY JAIL**

Persons convicted of a violation of aggravated driving under the influence may serve their sentence in a county jail. Municipalities and counties are authorized to establish a medium security facility for the confinement of persons convicted of driving under the influence.

Amendment: Beginning on January 1, 2018, ACJC shall submit an annual recidivism report to the legislature that compares the recidivism rate for a person who serves his sentence in a county jail pursuant to this subsection and a person who serves his sentence in a prison.

ARS Titles Affected: 28

First Sponsor: Rep. Shope

Status: Passed House Third Read 2/21; Referred to Senate Rules only

2. **S1278 FELONY PRETRIAL INTERVENTION PROGRAM; APROP**

Appropriates \$2.75 million from the general fund in FY2017-18 to the Administrative Office of the Courts, to be proportionally distributed to county attorney offices in counties with a population of more than 200,000 persons for administering felony pretrial intervention programs that meet specified requirements.

Amendment: Names the Arizona Criminal Justice Commission as the agency responsible for distributing the monies to county attorney offices instead of the Administrative Office of the Courts.

ARS Titles Affected: 41

First Sponsor: Sen. Smith

Status: Passed Senate Third Read 2/27; Referred to House Judiciary and Public Safety and Appropriations

3. **H2477 CIVIL FORFEITURE; REPORT INFORMATION; REMEDIES**

Agencies applying for monies from the Anti-Racketeering Revolving Fund are required to submit a written application to the Attorney General that includes a description of what the monies will be used for, and the Attorney General is authorized to deny an application that requests monies for a purpose not authorized by statute. The quarterly reports that each state department, agency, county or municipality receiving monies from the Fund are required to submit to the Attorney General must include a list of specified information if monies were obtained as a result of a forfeiture, and must include a list of specified information with regard to all expenditures made from the Fund. The Attorney General is required to annually cause a financial audit to be made of the Fund, which must be conducted by a certified public accountant within 120 days after the end of each fiscal year.

ARS Titles Affected: 13

First Sponsor: Rep. E. Farnsworth

Status: House COW approved with amend #4275 and floor amend #4441 and #4542; Passed House Third Read 2/23; Referred to Senate Judiciary

4. **H2170 ANTI-RACKETEERING MONIES; POLICE TRAINING**  
Requires five percent of the monies deposited in the Anti-Racketeering Revolving Fund and five percent of the monies deposited in each County Anti-Racketeering Revolving Fund to be transferred to the State Treasurer for deposit in the Peace Officers' Training Fund.  
ARS Titles Affected: 13  
First Sponsor: Thorpe  
Status: Passed House Third Read 2/21; Referred to Senate Judiciary
  
5. **S1035 TECH CORRECTION; BUILDING CODES; S/E Prearrest; Postbooking; Diversion Program**  
Minor change in Title 11 (Counties) related to building codes. Apparent striker bus.  
S/E: PREARREST; POST-BOOKING; DIVERSION PROGRAM  
Authorizes law enforcement agencies to establish prearrest diversion programs and counties, cities, and towns to establish post-booking diversion programs to offer mental health treatment as alternative to incarceration for people with acute mental illnesses who are arrested for specified non-serious, non-violent offenses.  
Allen Floor Amendment: Establishes the Arizona Criminal Justice Commission as the administrator for the Acute Mental Illness Diversion Program. The ACJC shall establish and maintain a searchable database that contains the names of all prearrest and postbooking diversion program participants, the outcome of the person's participation, and the jurisdiction that administered the diversion program.  
ARS Titles Affected: 13  
First Sponsor: Sen. S. Allen  
Status: Received a do pass recommendation from Senate Judiciary with amendment #4327; Received a do pass recommendation from Senate Rules 2/21; Allen floor amendment to be proposed in upcoming weeks
  
6. **H2211 Alcohol; Drug Monitoring Program; Establishment; S/E Drug & Alcohol Treatment Programs; Reports**  
By December 1 of each year, the Director of the Department of Corrections is required to report to the Governor and the Legislature on the drug and alcohol treatment programs available to offenders in Arizona who are under the jurisdiction of the Dept. Information that must be included in the report is specified. AS PASSED HOUSE.  
ARS Titles Affected: 41  
First sponsor: Rep. Carter  
Status: Passed House Third Read 2/21; Referred to Senate Commerce and Public Safety
  
7. **S1069 Vacating Felony Conviction; Record Destruction; S/E Setting Aside Conviction; Employment**  
A person whose conviction is set aside is permitted to answer on any application for employment or public benefits that the person was not convicted of the offense that was set aside. AS PASSED SENATE.

ARS Titles Affected: 13 41

First sponsor: Sen. Burges

Status: Passed Senate Third Read 2/27; Referred to House Judiciary and Public Safety