

**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 **Executive and 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, April 7, 2017** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 230, Phoenix, Arizona 85007**. The public may also call in to the meeting toll free at **1-877-820-7831**, and use the participant passcode 159774.

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 March 3, 2017 Meeting

- Approval of Minutes

P-F-T

III. ACJC Legislation

- Review and discussion of ACJC priority legislation

Andrew T. LeFevre

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/E fatality; traffic accidents; implied consent

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.

II

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

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
April 4, 2017	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the March 3, 2017 Meeting

TO: Chairperson and Committee Members

FROM: David Sanders, Chairperson

RECOMMENDATION:

The Committee approve the minutes of the Legislative Committee meeting held on March 3, 2017.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

March 3, 2017

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Friday, March 3, 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
Joe Brugman, Safford Police Chief, by conference call
Charles Ryan, Department of Corrections, 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, Deputy Chief Lesuer representing by conference call

Other Participants:

Art Harding, Legislative Liaison Arizona Department of Corrections

ACJC Staff Participating:

Andrew 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 Chairperson David Sanders at 1:35pm. Roll was taken and a quorum was declared present.

II. Minutes of the February 17, 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 17, 2017. The motion was seconded by K.C. Clark and was unanimously approved by the Committee.

III. ACJC Legislation

Andrew LeFevre, Executive Director, provided updates on ACJC approved legislation for the 2017 legislative session.

Mr. LeFevre informed the Commission that HB 2375 passed out of the House and was assigned to the Senate Judiciary Committee. The bill has not been given a hearing date but is anticipated to be placed on the Committee agenda in the coming two weeks.

Mr. LeFevre provided an information update on HB 2085 and HB 2087. Both passed through the House and were given a unanimous do-pass recommendation from the Senate Judiciary Committee on March 2, 2017. No amendment was posted for HB 2087 and as of now ACJC is set to continue for ten years.

Mr. LeFevre provided an update on ACJC supported legislation for the 2017 session.

Mr. LeFevre informed the Committee that HB 2243 passed out of the House and is awaiting a hearing in the Senate Judiciary Committee. With input from ACJC members and other stakeholders he proposed an amendment timeline which would extend the initial reporting time frame for reporting agencies. It was reported that Chairman Farnsworth did seem willing to work on amending the reporting timeline but ACJC has not received any news from his office regarding if he will accept those changes.

Mr. LeFevre informed the Committee that HB 2239 passed out of the House and received a do-pass recommendation from the Senate Judiciary Committee. ACJC will continue to sign in in support of this legislation.

Mr. LeFevre informed the Committee that there was a stakeholder meeting for HB 2477 to discuss concerns regarding reporting requirements and other possible reservations. One of ACJC's concerns regarding HB 2477 and HB 2243 is the ability to create a new form to meet all of the reporting requirements outlined in the legislation and requested a delayed effective date until the end of the year in order to give ACJC time to create such a form.

Shelia Polk supported those sentiments and recommended that ACJC put together a working group in order to implement and create the form in a way that would be beneficial. Ms. Polk also had a meeting with stakeholders on HB 2477 and would like to talk to Andy regarding the conclusions of that meeting.

IV. Review Introduced Criminal Justice Legislation

Mr. LeFevre provided updates on bills that were brought up at the last meeting.

Mr. LeFevre informed the Committee that HB 2066 passed out of the House and was assigned to Senate Rules only. He was informed that stakeholders had an understanding that the bill would not go further in the legislative process. Art Harding stated that he had also heard that, at the moment, HB 2066 would not receive a committee hearing.

Mr. LeFevre informed the Committee that SB 1278 was referred to the House Judiciary & Public Safety Committee and the House Appropriations Committee. The bill 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. ACJC is listed as the agency responsible for distributing the monies to county attorney offices but there is no indication on where the money in that fund will be coming from. Senator Smith stated that there is an opportunity to allot for an administrative fund within the bill in order to cover any administrative costs ACJC might incur when completing the tasks outlined by the legislation.

Mr. LeFevre informed the Committee that HB 2170 passed out of the House and was referred to the Senate Judiciary Committee but hasn't received a hearing date. ACJC will continue monitoring this legislation.

Mr. LeFevre provided updates on SB 1035, HB 2211 and SB 1069. Strike-everything amendments were introduced to each of these pieces of legislation.

Mr. LeFevre informed the Committee that the amendment offered to SB 1035 would create a mental illness diversion program. It would establish a grant program which would be maintained by ACJC and ACJC would have to create a searchable electronic database. Mr. LeFevre asked the Committee to think about whether the Commission should consider putting a specific percentage in so they are not locked into a set dollar figure.

Mr. LeFevre informed the Committee that strike-everything amendments were offered to HB 2211 and SB 1069.

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 update will be at the next Commission meeting to be held on March 23, 2017 at 1:30pm.

VII. Adjournment

The meeting was adjourned at 1:58pm.

Respectfully submitted,



Andrew T. LeFevre
Executive Director

Audio recording is available upon request.

III

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

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
April 4, 2017	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Review and discussion of ACJC priority legislation

TO: Chairperson and Committee Members

FROM: Andrew 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: Signed by Governor Ducey on 3/21

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

The statutory life of the Arizona Criminal Justice Commission is extended eight years to July 1, 2025. Retroactive July 1, 2017.

ARS Titles Affected: 41

First sponsor: Rep. E. Farnsworth

Status: Signed by Governor Ducey on 3/24

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: Signed by Governor Ducey on 3/31

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. Amended to extend the reporting deadlines for the Anti-Racketeering Revolving Fund and to become effective on October 1, 2017.

ARS Titles Affected: 13

First sponsor: Rep. E. Farnsworth

Status: Passed House 59-0; Passed Senate 29-0; ready for House action on Senate amendments

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: Signed by Governor Ducey on 3/24

IV

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

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
April 4, 2017	<input type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Review Introduced Criminal Justice Legislation

TO: Chairperson and Committee Members

FROM: Andrew 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) (APPROP S/E:fatality; traffic accidents; implied consent) **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 (APPROP S/E: fatality; traffic accidents; implied consent)**

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.

Strike Everything Amendment: Mandates, rather than allows, an officer to require a person involved in a fatal traffic accident under specified circumstances to submit to a blood alcohol or drug test.

ARS Titles Affected: 28

First Sponsor: Rep. Shope

Status: Passed House Third Read 2/21; Received a do pass from Senate Judiciary 3/27; Received a do pass as a strike everything amendment from Senate Appropriations 3/28

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; Received a do pass from House Appropriations 3/16 but was held in House Judiciary and Public Safety

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.

Senate Floor Amendment: Permits county boards of supervisors to retain outside counsel to approve, review or ratify county attorney's use of county RICO Fund monies; allows RICO Funds to be used for costs related to the proposed reports, audits, reviews and approvals; modifies the reporting requirement by removing impermissible expenditures; limits the proposed higher standard of proof in the RICO statute; specifies that the prohibition on transferring seized property to a federal agency-a) applies to investigations that did not involve a federal agency of only involved state law violations, b) does not apply to seizures of more than \$75,000 in joint investigations, and c) does not prohibit specified activities related to joint investigations; limits the award of treble costs or damages to situation in which the seizing agency or attorney for the state intended to cause injury or was grossly negligent.

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; Senate COW approved with floor amend #4919; Passed Senate 30-0; ready for House action on Senate amendments

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; Failed to pass Senate Judiciary 2-5

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; Retained on Senate COW calendar 3/8

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. AS SIGNED BY GOVERNOR.

ARS Titles Affected: 41

First sponsor: Rep. Carter

Status: Signed by Governor Ducey 3/21

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 2/28