



# Commission Update

April 5, 2022

The legislature has been in session for 86 days. The following is a list of bills that ACJC has introduced and also closely monitoring.

## ACJC Introduced Bills

### **HB2132 – Minimum Balance Notification; Victim Fund      Sponsor: Kavanagh**

On or before June 30 of each fiscal year, the Arizona Criminal Justice Commission is required to notify the Joint Legislative Budget Committee and the Governor's Office of Strategic Planning and Budgeting if less than \$12.5 million is deposited in the Victim Compensation and Assistance Fund and available for the current fiscal year. In any fiscal year in which the amount of monies deposited in the fund is less than \$12.5 million, the Legislature is required to appropriate monies from the general fund to bring the balance in the Fund to \$12.5 million.

**Parked in budget process**

**Action: Senate Appropriations 3/15 do pass with Livingston amendment #4757**

**Action: Referred to Senate Appropriations 2/28**

**Action: Passed House 47-12 2/23**

**Action: Passed House Rules C&P**

**Action: Passed House Appropriations unanimously 2/16**

**Action: Passed House Judiciary unanimously 2/9**

**Referred to House Judiciary and Appropriations 1/24**

### **HB2133 – Criminal Justice Monies; Penalty Assessment      Sponsor: Kavanagh**

The additional penalty assessment levied on every fine, penalty and forfeiture imposed by the courts for criminal offenses and on any civil penalty imposed for a civil traffic violation is increased to \$4, from \$2. The assessment cannot be waived, suspended, or delayed. On or before June 30 of each fiscal year, the State Treasurer is required to notify the Joint Legislative Budget Committee and the Governor's Office of Strategic Planning and Budgeting if less than \$45,746,935 is deposited in the Criminal Justice Enhancement Fund and available for the current fiscal year. In any fiscal year in which the amount is less than \$45,746,935, the Legislature is required to appropriate monies from the general fund to bring the balance in the Fund to \$45,746,935.

**Action: Failed to pass House Judiciary on 2/9 by 5-5 (now 1183)**

**Referred to House Judiciary and Appropriations 1/24**

## **Bills ACJC is closely monitoring**

Note: If I placed a co-sponsor next to the primary sponsor, it is to show bi-partisan support.

### **HB2044: Juvenile Dependency; State Aid; Appropriation    Sponsor: Biasiucci**

Establishes the State Aid for Juvenile Dependency Proceedings Fund (SAJDP Fund), to be administered by the **Arizona Criminal Justice Commission** and used to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. On or before September 1 of each fiscal year, the Commission is required to distribute monies in the State Aid to Indigent Defense Fund to each county in which the three-year average of the total juvenile dependency case filings in the superior court in the county exceeds the three-year average juvenile dependency case filings in the superior court of the county for fiscal years 2012-2013, 2013-2014 and 2014-15 based on the proportional share of the increase in petitions for each county. Each county board of supervisors is required to separately account for these monies and may spend these monies only to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. Appropriates \$2 million from the general fund in FY2022-23 to the SAJDP Fund.

**Action: 3/8 Senate Appropriations do pass**

**Action: Referred to Senate Appropriations 3/1**

**Action: 2/24 passed House 49-10**

**Action: House Rules C&P 2/21**

**Received a Do Pass from House Appropriations 1/20**

### **HB2161: Parental Rights; Schools; Educational Records    Sponsor: Kaiser**

This state, political subdivisions, any other governmental entity, and any official of any governmental entity are prohibited from interfering with or usurping the fundamental right of parents to direct the upbringing, education, health care, and mental health of their children. A parent is authorized to bring suit against a governmental entity or official based on any violation of the statutory rights of parents, and to raise a violation as a claim or a defense. In any such action brought by a parent, the governmental entity or official has the burden of proof to demonstrate both that the interference or usurpation is essential to accomplish a compelling government interest and that the method of interference or usurpation used by the government is narrowly tailored and is not otherwise served by a less restrictive means. Parents are required to have access to all written and electronic records of a school district or school district employee concerning the parent's child. School district and charter school employees are prohibited from withholding or concealing information from the student's parents about the student's physical, emotional, or mental health, or the student's purported gender identity if incongruous with the student's biological sex. Parents are authorized to file suit against a school district or charter school for violations, and may recover declaratory relief, injunctive

relief, attorney fees and costs, and any other appropriate relief. (ACJC working with sponsor regarding AYS language)

Action: 3/30 Senate COW approved with #4906 (ACJC amendment)

Action: 3/21 Senate Rules ok

Action: 3/15 Senate Education do pass with amendment #4765

Action: 3/1 referred to Senate Education

Action: 2/24 Passed House 31-28

Action: 2/24 House COW DPA #4461 and #4464

Action: 2/22 House COW DPA #4372 and #4373

Action: 1/25 passed House Education

Action: 1/20 referred to House Education

**HB2326: Criminal Justice Data Collection** Sponsor: Kavanagh - Meet with Kavanagh 2/10

Unless prohibited by federal or state law, the **Arizona Criminal Justice Commission** must require all courts in Arizona to submit a list of information about each person who is in Arizona in violation of a federal immigration law and who is convicted of a misdemeanor or felony offense. The information must be made available to the public on the Commission's website.

Action: 3/10 Senate Judiciary do pass with amendment #4736

Action: 2/28 referred to Senate Judiciary

Action: 2/23 Passed House 32-27

Action: 2/23 House COW approved with amendment #4350

Action: House Rules C&P 2/22

Action: House Judiciary 2/16 do pass

Action: Referred to House Judiciary 1/24

**HB2573: Alternative Prosecution; Diversion; Fund; Appropriation** Sponsor: Blackman

Appropriates \$20 million from the general fund in FY2022-23 to the newly established Alternative Prosecution and Diversion Program Fund, to be administered by the **Arizona Criminal Justice Commission** and allocated to county attorneys to establish and operate alternative prosecution and diversion programs, and to explore, develop, apply and evaluate evidence-based best practices for alternative prosecution and diversion programs. By September 30, 2023, the Commission is required to report to the Joint Legislative Budget Committee on the use of the monies and the outcomes obtained by the alternative prosecution and diversion programs during the previous fiscal year.

Action: 3/29 Senate Appropriations do pass

Action: 3/3 referred to Senate Judiciary and Appropriations (3/21 withdrawn from Judiciary)

Action: 2/24 Passed House 49-10

Action: 2/23 retained on House COW Calendar

Action: House Rules C&P 2/22

Action: House Appropriations 2/21 do pass with amendment #4360 - reduced amount from \$20 million to \$10 million

**Action: House Judiciary 2/16 do pass 10-0**

**Action: Was to be heard in House Judiciary on 2/9, but will be moved to 2/16 agenda.**

**Referred to House Judiciary and Appropriations 1/24**

**Motion to support by ACJC Legislative Committee**

**HB2583: DUI Information; Annual Report; ACJC Sponsor: Kavanagh - Meet with Kavanagh 2/10, Met with Gretchen and Ed Wood on 2/11 (potential amendment)**

The **Arizona Criminal Justice Commission** is required to submit an annual report relating to driving under the influence information to the Governor and the Legislature. Information that must be contained in the report is listed. Effective January 1, 2023.

**Action: 4/4 Passed Senate Rules**

**Action: 3/29 Senate Appropriations do pass with #4901**

**Action: Will be turned into Study Committee Striker to be further reviewed by Senate Approp.**

**Action: 3/17 Senate Judiciary held.**

**Action: 3/3 referred to Senate Judiciary**

**Action: Passed House 2/24 59-0**

**Action: House COW approved 2/24 with amendment #4265**

**Action: House Rules C&P 2/22**

**Action: House Judiciary 2/16 do pass with amendment #4265**

**Action: Referred to House Judiciary 1/24**

**SB1183 - Tech Correction; Boating Rules (CJEF STRIKER) Sponsor: Gowan**

Removes the Peace Officers' Training Fund from the Criminal Justice Enhancement Fund monies distribution and increases the percentages for outlined recipients. Appropriates \$5,000,000 from the state General Fund (state GF) in FY 2023 to the Peace Officers' Training Fund.

**Action: 3/7 House MAPS do pass**

**Action: 2/24 Passed Senate 28-0**

**Action: 2/24 Senate COW approved with amendment #4386**

**Action: Senate Rules 2/23 C&P**

**Action: Senate Appropriations 2/22 do pass with amendment #4386**

**SB1602: Central State Repository; Offenses**

The Department of Public Safety is authorized to procure criminal history records and related criminal justice information for violations that are not specifically listed as part of the central state repository. The list of offenses that DPS is required to procure the records for is expanded.

**Action: 3/29 House Rules ok**

**Action: 3/21 House MAPS do pass**

**Action: 3/14 House MAPS held**

**Action: 3/2 referred to House MAPS**

**Action: 2/23 Passed Senate 28-0**  
**Action: 2/22 Senate Rules ok**  
**Action: 2/17 Senate Judiciary do pass**  
**Action: 2/1 referred to Senate Judiciary**

**SB1712: Criminal Victim Notification Fund; Appropriation Sponsor: Gowan - Met with Gowan 2/7**

Establishes the Crime Victim Notification Fund, to be administered by the State Treasurer and used to fund software that enables the county-based deployment of an automated crime victim notification system to law enforcement and prosecuting agencies. Appropriates \$5.1 million from the general fund in FY2022-23 to the Fund.

**Action: 3/23 House Appropriations do pass with #4860**  
**Action: 3/21 House MAPS do pass with #4816**  
**Action: 3/8 referred to House MAPS and Appropriations**  
**Action: 3/3 passed Senate 26-0**  
**Action: Senate COW approved on 3/3 with amendments #4402 and #4661**  
**Action: Senate Rules 2/23 C&P**  
**Action: Senate Approp. 2/22 do pass with amendment #4402**  
**Action: HELD in Senate Approp. 2/15**  
**Action: HELD in Senate Appropriations and will be heard on 2/15.**  
**Assigned to Senate Appropriations 2/2**  
**2/8 Senate approp.**

**Bills No Longer Moving**

**HB2140: Indigenous Representative; Statutory Commissions; Board Sponsor: Jermaine/Co-sponsors Cooke (R), Blackman (R) and Cooke (R) – Met with Jermaine 2/1**

Modifies the membership of the **Arizona Criminal Justice Commission**, the Arizona Peace Officer Standards and Training Board, and the Constable Ethics Standards and Training Board to remove one public member of each board and replace them with a member who represents a federally recognized Native American Tribe. Session law allows all persons serving on the boards on the effective date of this legislation to continue to serve until the expiration of their normal terms.

**Action: Referred to House Military Affairs and Public Safety 1/25**

**HB2141: Membership; Arizona Criminal Justice Commission Sponsor: Jermaine/Co-Sponsor Cooke (R) - Met with Jermaine 2/1**

Modifies the membership of the **Arizona Criminal Justice Commission** to require one public member of the Commission to be a member of an Arizona Indian Tribe. Session law allows all

persons serving on the Commission on the effective date of this legislation to continue to serve until the expiration of their normal terms.

**Action: Referred to House Military Affairs and Public Safety 1/25**

**HB2143: ACJC; Victim Compensation Fund; Allocation Sponsor: Jermaine/ Co-Sponsor Blackman (R) – Met with Jermaine 2/1**

The rules that the **Arizona Criminal Justice Commission** must adopt for the Victim Compensation and Assistance Fund must provide that the following costs are eligible and can be included in a claim for compensation: Native American ceremony or burial expenses, and mental health counseling and care provided by a person who is an employee of or contracted with a tribal health care organization, the Indian Health Services, any veterans administration provider or an urban Indian health program.

**Action: Referred to House Military Affairs and Public Safety 1/31**

**HB2286: Schools; Surveys; Express Parental Control Sponsor: Fillmore**

A school district or charter school is required to obtain the written informed consent to administer surveys to students in a transparent manner on a separate paper or electronic form, and is prohibited from obtaining the written informed consent by including the consent request in a handbook or with any other consent request. For each violation of this requirement, the court is required to impose a civil penalty of \$1,000 per student.

**Action: Referred to House Education 1/19**

**HB2301: Mandatory Minimum Sentences; Judicial Discretion Sponsor: John**

When sentencing a defendant who is convicted of an offense that requires a mandatory prison sentence, the court is authorized to impose a shorter prison sentence or suspend the sentence and impose a term of probation if the court finds that the imposition of the mandatory prison sentence would result in an injustice to the defendant and is not necessary for the protection of the public. Does not apply to a conviction for a list of specified crimes. The Administrative Office of the Courts is required to annually report to the **Arizona Criminal Justice Commission** on each case in which the court departed from a mandatory prison sentence.

**Action: House Judiciary 2/16 FAILED 4-6**

**Action: Referred to House Judiciary 1/24**

**HB2353: State Department of Corrections; Website Sponsor: Kavanagh**

The Director of the Department of Corrections is required to maintain a publicly accessible webpage with a list of information about each person who is incarcerated in any state correctional facility and who is in violation of a federal immigration law.

**Action: House Judiciary 2/16 held**

**Action: Referred to House Judiciary 1/24**

**HB2363: Firearm Sales; Permit Verification; Requirements Sponsor: Longdon**

The Department of Public Safety (DPS) is required to maintain a secure website portal that allows federally licensed firearms dealers to check the permit status of a person who presents a permit to purchase a firearm. If a person who is purchasing or receiving a firearm in Arizona presents a concealed weapons permit to a federally licensed firearms dealer, the dealer is required to confirm the validity of the permit by checking the portal. Appropriates \$300,000 from the Public Safety Interoperability Fund in FY2022-23 to DPS for the cost of developing and maintaining the portal.

**No Action**

**SB1024– Appropriation; Domestic Violence; Strangulation; Examinations Sponsor: Steele**

Appropriates \$500,000 from the general fund in FY2022-23 to the **Arizona Criminal Justice Commission** to distribute to counties with a population of less than 500,000 persons for domestic violence nonfatal strangulation forensic examinations.

**Action: Referred to Senate Judiciary and Appropriations 1/10**

**SB1216 – Orders of Protection; Duration Sponsor: Steele**

Orders of protection expire two years, increased from one year, after service on the defendant.

**Action: 3/1 referred to House Judiciary**

**Action: 2/10 Passed Senate 28-0**

**Action: Approved 2/9 in Senate COW with amendment #4080.**

**2/8 Senate rules Okay**

**2/3 Senate jud do pass with amendment #4080**

**SB1217: Duration; Emergency Orders of Protection Sponsor: Steele**

Emergency orders of protection expire five calendar days after issuance, instead of at the close of the next day of judicial business following the day of issue or 72 hours, whichever is longer.-  
NICS

**Action: 3/8 referred to House Judiciary**

**Action: 2/23 passed Senate 28-0**

**Action: 2/17 Senate COW approved with amendment #4309**

**Action: Senate Rules ok 2/15**

**Action: Senate Judiciary do pass 2/10**

**Action: Referred to Senate Judiciary 1/19**

**SB1219 – Aggravated Assault; Violation; Court Order Sponsor: Steele**

The list of circumstances that cause an assault to be classified as aggravated assault is expanded to include if the person commits the assault while in violation of a court order that prohibits the person from having any contact with the victim.

**Action: Referred to Senate Judiciary 1/19**

**SB1225 – Criminal Justice Information; Reporting Collection Sponsor: Quesada - Meet with Quezada 2/23**

The Attorney General, in consultation with the judicial branch and the State Department of Corrections, is required to collect a list of specified data on criminal cases, charges, defendants, and sentencing. By July 1, 2023 and once every two weeks thereafter, the Attorney General is required to provide the data collected to the **Arizona Criminal Justice Commission**. By July 1, 2023 and annually thereafter, the Arizona Criminal Justice Commission is required to make a presentation to the Legislature on prosecutorial data relating to the previous calendar year and to make the presentation publicly available on the Commission's website. Information that must be included in the presentation is listed. By January 1, 2023 and once every two weeks thereafter, the Board of Executive Clemency is required to report to the Commission and make available on the Board's website a list of information related to parole and community supervision violations. **An entity that fails to collect and transmit data as required by this legislation is not eligible to receive monies from the Commission or any state grant program for five years after the date of the entity's noncompliance.**

**Action: Referred to Senate Judiciary 1/20- no further action**

**Motion to oppose by ACJC Legislative Committee**

**SB1544: Arizona Criminal Justice Commission Sponsor: Quezada**

Increases the number of members of the **Arizona Criminal Justice Commission** to 17 members by adding one person who leads an indigent defense agency, one person who leads a private nonprofit juvenile justice organization, one licensed psychiatrist or psychologist with experience working in the criminal justice system, all of whom are appointed by the Governor.

**Action: Referred to Senate Judiciary 1/31- no further action**