

**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, February 17, 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 3, 2017 Meeting

- Approval of Minutes

P-F-T

III. ACJC Legislation

Andrew T. LeFevre

- Review and discussion of ACJC priority legislation

Info

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. SB 1035 (Technical Correction; Building Codes) S/E Anti-Racketeering Fund; Use of Funds; Reports

S-O-N-M

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

S-O-N-M

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

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

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

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Joint Executive and Legislative Committees
Minutes
February 3, 2017**

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Friday, February 3, 2017 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

David Sanders, Chairperson, Pima County Chief Probation Officer, by conference call
K.C. Clark, Navajo County Sheriff, Jim Molesa representing by conference call
Shelia Polk, Yavapai County Attorney, by conference call
Charles Ryan, Department of Corrections, by conference call
Frank Milstead, Director, Department of Public Safety, Courtney Coolidge representing by conference call
Danny Sharp, Chief, Oro Valley Police Department, Larry Stevens representing by conference call

Other Participants:

Art Harding, Legislative Liaison, Department of Corrections

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 Chairperson David Sanders at 1:33pm. Roll was taken and a quorum was declared present.

II. Minutes of the January 20, 2017 Meeting

Chairperson Sanders called for a motion on the minutes. Charles Ryan entered a motion to approve the minutes of the meeting held on January 20, 2017. The motion was seconded by Jim Molesa and was unanimously approved by the Committee with a change of the adjournment time to 2:40pm.

III. Discussion of Committee Process

Andy LeFevre, Executive Director, suggested amending the process the Committee uses to approve legislation. Under the new process the committee would not need to present a formal motion in order for ACJC to monitor legislation. ACJC will present the members with a list of legislation they are monitoring and highlight bills that the committee might want to make a formal motion on. The Chair and members can bring up bills they think the Commission should take a formal position on. This new process was approved and adopted by the Committee.

IV. ACJC Priority Legislation

Andy LeFevre, Executive Director presented updates on ACJC approved legislation for the 2017 legislative session.

Mr. LeFevre first provided an information update that HB2085, sponsored by Representative Farnsworth, passed out of the House and is moving into the Senate.

Mr. LeFevre provided an information update that ACJC approved HB2087, sponsored by Representative Farnsworth, passed out of the House and is moving into the Senate.

Mr. LeFevre provided an information update that the final ACJC approved legislation, HB2375 sponsored by Representative Boyer, has been assigned to the Judiciary and Public Safety Committee but has not received a hearing date yet.

V. Review of Introduced Legislation

Sheila Polk entered a motion to change the Commission's stance on HB2243 from support to neutral. The motion was seconded by Jim Molesa and unanimously approved by the Committee.

Sheila Polk entered a motion to withdraw their position of support on HB2268 and begin monitoring the legislation because ACJC was taken out of the bill and it no longer directly affects ACJC. The motion was seconded by Charles Ryan and unanimously approved by the Committee.

Charles Ryan voiced his concerns regarding HB2133. The Committee decided not to take a formal position on the bill as it is still in its early stages.

Mr. LeFevre informed the Commission that ACJC was named as the agency responsible for creating recidivism reports in HB2066 and expressed concerns over obtaining the required data without a requirement for participating agencies to provide data.

Mr. LeFevre recommended the Commission support HB2239. Sheila Polk entered a motion to support it which was seconded by Larry Stevens and unanimously approved by the Committee.

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, February 17, 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

Action Requested:	Type of Action Requested:	Subject:
February 17, 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: 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

IV

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

Request for Committee Action

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

TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

N/A

DISCUSSION:

An update on ACJC approved and supported legislation will be provided.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

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; Moves onto the Senate

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; Moves onto the Senate

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: Received do pass recommendation: House Judiciary and Public Safety
2/15

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: Received do pass recommendations: House Federalism, Property Rights and Public Policy 1/25; House Judiciary and Public Safety 2/15

2. HB 2151 (Indigent Defense Fund; Distribution; Purpose)

The Arizona Criminal Justice Commission is required to distribute monies in the State Aid to Indigent Defense Fund each fiscal year to each county for the sole purpose of providing state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

ARS Titles Affected: 11

First sponsor: Rep. Cardenas

Status: Received a do pass recommendation: House Local and International Affairs 1/25 at 9:00am; 1/18 referred to House Appropriations

3. 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; moves to Senate

V

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

Request for Committee Action

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

TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

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

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

S-O-N-M

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

S-O-N-M

8. SB 1035 (Technical Correction; Building Codes) S/E Anti-Racketeering Fund; Use of Funds; Reports

S-O-N-M

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

S-O-N-M

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

S-O-N-M

DISCUSSION:

The Joint Executive and Legislative Committee will discuss introduced legislation with possible action to support or monitor.

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: On House COW Calendar

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 through Senate Rules 2/14

3. **S1035 TECH CORRECTION; BUILDING CODES**

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.

ARS Titles Affected: 11

First Sponsor: Sen. S. Allen

Status: Hearing: Senate Judiciary 2/16/17 at 9:00am

4. **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: Passed through House Judiciary and Public Safety (2/15) and House Federalism, Property Rights & Public Policy (2/14)

5. **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 through House Judiciary and Public Safety (2/15) and House Federalism, Property Rights & Public Policy (1/25)