



Commission Update

January 26, 2022

The legislature has been in session for 18 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. **Assigned to House Judiciary and Appropriations**

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. **Assigned to House Judiciary and Appropriations**

Bills ACJC is 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: Biasucci

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. **Received a Due Pass from House Appropriations**

HB2230- Indigenous Representative; Statutory Commissions; Board Sponsor: Jermaine/Co-sponsors Cooke (R), Blackman (R) and Cooke (R)

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.

No Action

HB2141 –Membership; Arizona Criminal Justice Commission Sponsor: Jermaine/Co-Sponsor Cooke (R)

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.

No Action

HB2143 –ACJC; Victim Compensation Fund; Allocation Sponsor: Jermaine/ Co-Sponsor Blackman (R)

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.

No Action

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.

Referred to House Education

HB2326- Criminal Justice Data Collection Sponsor: Kavanagh

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: Referred to House Judiciary

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: Referred to House Judiciary

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

HB2583: DUI Information; Annual Report; ACJC Sponsor: Kavanagh

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: Referred to House Judiciary

SB1025– 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

SB1216 – Orders of Protection; Duration Sponsor: Steele

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

Action: Referred to Senate Judiciary

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

SB1225 – Criminal Justice Information; Reporting Collection Sponsor: Quesada

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