

JUDICIARY COMMITTEE

Forty-fifth Legislature
Second Regular Session

LEGISLATION ENACTED

child support; termination; condition (NOW: sentencing commission) (S.B. 1029) – Chapter 311

Establishes the Sentencing Commission (the Commission) for the review of Arizona's sentencing structure and outlines its membership and duties, including:

1. Recommending the enactment of laws relating to criminal offenses and sentencing.
2. Reviewing class 6 felonies and considering whether some class 6 felonies should be repealed or reclassified.
3. Reviewing the State's sentencing structure and recommending changes to the criminal code.

The Commission must submit a report of the Commission's recommendations and findings to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court on or before December 31, 2003. The Commission is repealed on January 1, 2004.

controlled substances (S.B. 1036) – Chapter 62

Creates a class 4 felony for providing a false medical prescription or knowingly or intentionally obtaining a controlled substance by means of forgery, fraud or deception. Directs the Arizona State Board of Pharmacy and the Department of Public Safety to disseminate information to federal or other state agencies concerning suspected or known controlled substance offenders.

competency; restoration (S.B. 1045) – Chapter 194

Creates a procedure for prisoners to challenge a finding of competency for execution. The superior court is required to appoint psychological experts within ten days of the prisoner being restored to competency and the death warrant being issued. Requires the superior court to conduct a competency hearing if the superior court believes, after considering written opinions of the appointed experts, that there is a significant question about the prisoner's competency for execution.

JUDICIARY COMMITTEE (Cont'd.)

Permits a party, within five days of the superior court establishing a prisoner's competency to be executed, to file a petition for special action with the Arizona Supreme Court in order to obtain review of the superior court's decision.

Requires payment of costs incurred by a county in appointing psychological experts to be paid from monies appropriated to the Arizona Department of Corrections.

sexually transmitted diseases; exposure; testing (S.B. 1048) – Chapter 312

Allows specified professionals, including law enforcement officers, fire fighters and health professionals, to request that disease testing be performed on a deceased person if there is probable cause that the person transmitted bodily fluids to the professional. Permits health professionals to request that testing be performed on a patient who may have transmitted bodily fluids to the health professional. Expands the types of testing that may be conducted on specimens from defendants alleged to have committed sexual offenses.

credit card skimming (S.B. 1052) – Chapter 95

Creates the new crime of unlawful use of a scanning device or reencoder and classifies this crime as a class 6 felony. The offender must have used the device or reencoder without the permission of the authorized user of the credit card and with the intent to defraud the authorized user, the issuer of the credit card or a merchant.

voluntary commitment; juveniles (S.B. 1059) – Chapter 154

Allows a court-designated person to file an application for admittance of a minor under the supervision of an adult probation department to a mental health facility if the parent, guardian or custodian is unavailable. Requires the court to appoint a guardian for the child if a parent, guardian or custodian is unavailable after a reasonable effort has been made to locate that person. Applies the statutes relating to mental health evaluations by a mental health agency to minors who are treated as adults in the criminal justice system.

safe schools act; revisions (S.B. 1067) – Chapter 181

Limits the scope of activities that can be charged as interference with or disruption of an educational institution by requiring that the interference might reasonably lead to the closure of any educational property or the postponement or cancellation of any class or school activity, regardless of whether an actual closure, postponement or cancellation occurs. Broadens the class of protected persons to include threats to cause physical injury to any person on the property of the educational institution, not just an employee or student.

JUDICIARY COMMITTEE (Cont'd.)

Requires school governing boards to report conduct on educational property to local law enforcement agencies only if the suspected crime is defined by law as a serious offense or involves a deadly weapon, dangerous instrument or serious physical injury and the conduct poses a threat of death or serious physical injury to an employee, student or anyone on school property. School districts and school district employees are not precluded from reporting other suspected crimes in addition to those requiring reporting.

juvenile offenders; prevention; definition (S.B. 1109) – Chapter 158

Establishes a uniform definition for "prevention" throughout Arizona Revised Statutes, Title 8, Children.

juvenile officers; adult surveillance officers (S.B. 1142) – Chapter 182

Grants peace officer status to all adult surveillance officers. Requires adult surveillance officers to meet the same qualifications as adult probation officers and be subject to the same procedures for appointment, salaries and expenses as adult probation officers. Outlines adult surveillance officers' powers and duties.

licensure; registration; applicants; fingerprint requirements (S.B. 1164) – Chapter 99

An emergency measure that conforms various entities' fingerprint criminal record check provisions to current federal law. Allows the State Racing Commission to obtain fees from applicants for background investigations.

court ordered treatment (S.B. 1173) – Chapter 198

Requires a court to grant the Department of Public Safety access to the name, date of birth, social security number, date of commitment to a mental health agency and date of termination of treatment of a person determined to be a danger to self or others to determine if that person is prohibited from possessing a weapon or is disqualified from obtaining a security guard license.

sex offenses; violent crimes; bail (S.B. 1202) – Chapter 223

Prohibits the court from granting bail if the proof is evident or the presumption great that the person is guilty of the offense charged and the offense is sexual assault, sexual conduct with a minor who is under 15 years of age or child molestation. If a person is charged with a felony-level sexual offense or the sexual offense of a child, the court must prohibit the defendant from having any contact with the victim and must require electronic monitoring of the defendant where monitoring is available. Prohibits an offender convicted of sexual conduct with a minor

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who is under 15 years of age or molestation of a child from residing within 440 feet of a school or its accompanying grounds while under community supervision. Requires the court to consider multiple factors, including the views of the victim, before imposing any conditions or modified conditions on a person released on a bailable offense.

Creates the Sex Offender Probation Study Committee (Committee) and outlines the Committee's membership, duties and reporting requirements. Duties include evaluating the effectiveness of sex offender probation in Arizona, identifying the reasons for sex offender overrepresentation in particular zip codes and determining the frequency and impact of sex offender probationers living near schools.

Only becomes effective if the Arizona Constitution is amended during the next general election to provide that a person shall not be granted bail if the proof is evident or the presumption great that the person is guilty of sexual assault, sexual conduct with a minor who is under 15 years of age or child molestation.

guilty except insane; offender disposition (S.B. 1214) – Chapter 59

Classifies as a class 2 misdemeanor the escape from the Arizona State Hospital of an offender who was ordered by the court to receive mental health services.

court decisions; county compliance (S.B. 1362) – Chapter 230

Requires counties or agencies and instrumentalities of counties to comply with two recent U.S. Supreme Court decisions relating to the government taking private property for public use.

watercraft; extreme intoxication (S.B. 1366) – Chapter 225

Creates the crime of operating a motorized watercraft while under the extreme influence of intoxicating liquor and sets the minimum blood alcohol concentration level at .15. Requires the violator to pay the cost of an emergency response resulting from an accident caused by the violator's intoxication.

Requires offenders sentenced to a term of incarceration for any boating while intoxicated violation to reimburse the responsible political subdivision for the incarceration costs. Requires the court to consider the offender's ability to pay these incarceration costs.

service fees; protection orders (S.B. 1394) – Chapter 323

Eliminates fees charged for serving orders of protection or injunctions against harassment arising from dating relationships. Clarifies that modified orders of protection and injunctions against harassment are effective on the date of service to the defendant. Requires a person

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requesting an order of protection to disclose pending maternity or paternity actions between the parties.

DNA; testing; identification database (S.B. 1396) – Chapter 226

Expands the list of offenders who must submit to deoxyribonucleic acid (DNA) testing by phasing in the testing of all felony offenders by January 1, 2004. DNA samples may be taken from blood samples or other bodily substances. Requires the Department of Public Safety (DPS) to store the felons' DNA samples and, on the receipt of funding, analyze the samples. A person's DNA profile can be expunged from the DNA identification system if the person's conviction is overturned or classified as a misdemeanor.

Appropriates \$2 million from the Arizona DNA identification system fund in each of FYs 2002-2003 and 2003-2004 to DPS to implement, conduct and maintain DNA testing. Supports the DNA identification system fund through an additional three percent penalty assessment imposed on every fine, penalty and forfeiture collected by the courts for criminal offenses and any penalties for civil traffic violations and violations related to motor vehicle statutes, specific local vehicle ordinances and specified game and fish statutes.

security enhancement act (S.B. 1427) – Chapter 219

Conforms Arizona law to the federal USA PATRIOT Act, creates new crimes related to terrorism and modifies existing crimes.

Terrorism – Defines terrorism and adds terrorism to the list of offenses for which there is no statute of limitations. Adds terrorism to the list of offenses triggering the felony murder rule, under which a person is guilty of committing first degree murder if, in the furtherance of specified offenses, another person dies.

A person may not be granted bail if the person is charged with a felony offense and there is clear and convincing evidence that the person charged is engaged in conduct constituting a dangerous crime against children or terrorism. Includes terrorism in the list of offenses for which probation may continue for life.

Creates the class 4 felony crime of committing a terrorism hoax. Persons convicted of this crime may be liable for any expenses incurred relating to the emergency response and investigation costs.

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Money Laundering – Requires money transmitters to report to the Attorney General any money transfer activity aggregating \$5,000 or more if the licensee, authorized delegate or money transmitter knows or has reason to suspect certain conduct. Requires identification of all people sending or receiving money transfers in amounts greater than \$1,000. Requires the retention of customer records containing specified information. Restricts use of the customer identification records to purposes of criminal and civil prosecution and the prevention and detection of criminal conduct.

Money laundering in the first or second degree as part of a pattern of violations involving \$100,000 or more in any 12-month period subjects the person to forfeiture of substitute assets in an amount three times the amount involved in the pattern, including conduct that occurred before and after the 12-month period.

Exemptions to Liability for Eavesdropping on Communications – Exempts a communication service provider who reasonably believes that an emergency involving immediate danger, death or serious physical injury to any person justifies the disclosure without delay to a law enforcement agency of the contents of a communication or information related to a communication.

Criminal Records Checks – On submission of a person's fingerprints and fee, the Department of Public Safety (DPS) must exchange criminal justice information between the central state repository or the Arizona criminal justice information system with licensees of the U.S. Nuclear Regulatory Commission for the purpose of determining whether an individual should be granted unescorted access to the protected area of a commercial nuclear generating station on submission of the person's fingerprints and fee. Applicants for paid, sworn fire fighter positions or reserve fire fighter positions must submit a full set of fingerprints to the fire district, which shall submit the fingerprints to DPS for state and federal criminal records checks.

Arizona National Guard – Extends protections of the Soldiers and Sailors Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act to members of the Arizona National Guard who perform training or duty on orders of the Governor.

Poison – Expands the crime of adding poison or other harmful substance to food, drink or medicine to include the intentional harming of another person by introducing, adding or mingling bacteria, viruses or chemical compounds to any water, food, drink, medicine or other product taken by a human being or applied to the body.

uniform custodial trust act (S.B. 1470) – Chapter 220

Adopts the Uniform Custodial Trust Act (UCTA). The UCTA governs the creation and termination of a custodial trust, trustee obligations, transfers and payments to the custodial trustee and distribution on termination of a custodial trust. The UCTA provides statutory forms for creating custodial trusts and allows a person creating a custodial trust to name one's self as the beneficiary and to retain control over the trust until incapacity or death.

JUDICIARY COMMITTEE (Cont'd.)

importing livestock diseases; penalty (NOW: animal and poultry diseases; crimes) (H.B. 2004) – Chapter 31

Creates the crime of knowingly introducing into Arizona an animal or poultry disease or parasite that constitutes a threat to the livestock or poultry industry or to human health or life. Depending on the type of threat, the offense is a class 2, 4 or 5 felony.

unattended animals; closed vehicles; crime (H.B. 2036) – Chapter 302

Expands the crime of cruelty to animals to include four new acts. Allows a peace officer or an animal control enforcement agent or deputy to forcibly open a vehicle to rescue an unattended animal that may otherwise suffer injury or death.

state department of corrections; continuation (H.B. 2065) – Chapter 306

Continues the Arizona Department of Corrections (ADC) until July 1, 2012. Expands the duties and membership of the Joint Select Committee on Corrections (Committee). Requires the Committee to meet at least twice annually and permits the Committee to consider matters relating to the policies and practices of the ADC.

cross-certification; postal inspectors (H.B. 2123) – Chapter 39

Adds federal peace officers employed by the U.S. Postal Inspector to the list of federal peace officers who may be temporarily cross-certified as peace officers in Arizona if county policy permits cross-certification of federal peace officers.

capital indigent defense (NOW: annuity insurers; structured settlements) (H.B. 2192) – Chapter 239

Requires transfer of structured settlement payment rights to be authorized in advance by a court and details the requirements for transfer. Requires a court to find that the transfer complies with all requirements of law, that the transferee provided a disclosure statement to the payee at least three days before signing of the transfer agreement and that the transfer is in the best interest of the payee. Imposes liability on the transferee for any taxes incurred if the transfer does not comply with terms of the structured settlement. Prohibits waiver of the provisions of this act. Prohibits penalties of forfeitures of application fees of transferee by the payee if the court does not approve the proposed transfer.

JUDICIARY COMMITTEE (Cont'd.)

juvenile detention costs (H.B. 2203) – Chapter 263

Allows a juvenile court that commits a child to a juvenile detention facility to direct the child or the child's estate, parent, guardian or custodian to pay the cost of the child's maintenance, including food, clothing, shelter and supervision, if the court is satisfied that the individual or entity can pay the charges or any portion of the charges. Permits an assessment charged for a juvenile's maintenance in a juvenile detention facility to be collectible as a civil judgment. Requires the juvenile court to transmit a copy of the court's order concerning payment along with the commitment order.

Excludes foster parents and group homes from financial responsibility for the child's maintenance costs in a juvenile detention facility.

dog bites; defense (H.B. 2251) – Chapter 81

Clarifies that, if a defendant's dog attacks another person, the legal defense that the injured person provoked the dog to attack will be judged by whether a reasonable person would expect that the conduct or the circumstances would be likely to provoke a dog.

~~identity theft~~ (NOW: theft of identity) (H.B. 2282) – Chapter 83

Stipulates that unlawfully taking, using, selling or transferring any personal information of another person may be identity theft whether or not the person actually suffers any economic loss as a result of the offense. Clarifies that personal identifying information includes a professional license number.

municipal prosecution; diversion (H.B. 2283) – Chapter 114

Permits the chief prosecutor of a city or town to establish a diversion program that provides for the dismissal of a criminal complaint if the program's requirements are successfully completed. Denies diversion program eligibility to persons accused of a crime involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.

court funding; study committee (H.B. 2289) – Chapter 291

Establishes the Joint Study Committee on State Funding of the Court System (Committee) and outlines duties and membership. Requires the Committee to examine state funded court systems and recommend those components of the Arizona court system that should be funded by the State.

JUDICIARY COMMITTEE (Cont'd.)

Creates a \$5 surcharge on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses, civil traffic violations, motor vehicle offenses and violations of Arizona's game and fish laws. Increases certain adult and juvenile supervision fees and limits the use of the increased fees to probation programs and salaries. Eliminates court fees for filing and contesting adoptions. Changes the date that the time payment fee will be reduced from \$20 to \$12 to 2010 instead of 2004. Changes the date by which a party who requests a change of venue must pay filing fees to within 30 days from the date the new court receives the file instead of 30 days from the date of the change of venue order. Allows the court to contract with public agencies or private entities to assist in collecting monies and to add to the amount owed any costs charged by the contracting agency or entity.

Allows justice and municipal courts to destroy designated court records if the Director of the Arizona State Library, Archives and Public Records has previously approved the destruction.

municipal incarceration costs (H.B. 2298) – Chapter 337

Requires a court to order a person convicted of a misdemeanor offense and sentenced to a term of incarceration to reimburse the city, town or county responsible for the costs of the person's incarceration if a court determines that the offender has the ability to pay part or all of the incarceration costs. Mandates that if a defendant is sentenced to pay incarceration costs, payment and enforcement of restitution take priority over payment to the State

adoption fees (H.B. 2329) – Chapter 309

Eliminates the fees for filing an adoption case or contesting an adoption. Also removes references to fees that are not actually charged in municipal or justice courts.

juvenile corrections; omnibus (H.B. 2335) – Chapter 304

An emergency measure that provides victims the opportunity to submit statements to the Arizona Department of Juvenile Corrections (ADJC) regarding a juvenile's discharge from the ADJC. Adds juveniles in the custody of the ADJC to those who are legally protected from unlawful sexual conduct of correctional employees. Reestablishes, retroactive to July 1, 2000, the state educational system for committed youth, which terminated on that date.

board of executive clemency; sunset (H.B. 2337) – Chapter 244

Continues the Board of Executive Clemency until July 1, 2004.

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interstate compact; adult offender supervision (H.B. 2338) – Chapter 319

Effective upon enactment by 35 states, adopts the Parole and Probation Interstate Compact (Compact). Establishes an Interstate Commission for Adult Offender Supervision (Commission) and outlines the membership, duties and powers of the Commission. Delineates the rulemaking functions of the Commission and requires collection of an annual assessment from each compacting state.

Requires creation of the State Council for Interstate Adult Offender Supervision (Council) and establishes the membership and role of the Council. Requires up to \$25,000 from the adult probation services fund to be used to pay for Arizona's annual assessment, which is limited to \$25,000 per year unless approved by the Council and appropriated by the Legislature.

Increases from \$30 to \$50 the monthly fee for persons supervised in Arizona under the Compact. Specifies that 70 percent of the fee must be deposited in the victim compensation and assistance fund and 30 percent must be deposited in the adult probation services fund.

immigration and nationality law practice (H.B. 2341) – Chapter 84

Increases the penalty for the unauthorized practice of immigration and nationality law from a class 1 misdemeanor to a class 6 felony and allows the Attorney General to prosecute violations in accordance with consumer fraud laws. Requires that, in order to provide representation in immigration and nationality cases, a law student or law graduate must meet both of the following requirements: (1) appear at the applicant's request and (2) be permitted by the relevant court to appear on behalf of the applicant.

Adds all United Nations documents to the list of a client's original documents that may not be retained without the client's permission. Adds the preparation of immigration or naturalization applications or forms in violation of statute to the activities that constitute the unauthorized practice of immigration and nationality law.

DNA testing; costs (H.B. 2349) – Chapter 107

Clarifies that DNA testing costs are paid by the offender to the clerk of the court, who then transmits the money to the county treasurer for final transmittal to the State Treasurer.

fiduciary omnibus (H.B. 2351) – Chapter 267

SEE FINANCE COMMITTEE

JUDICIARY COMMITTEE (Cont'd.)

venue change; fee payments; time (NOW: Arizona civil rights act; revisions) (H.B. 2353) – Chapter 339

Modifies laws relating to discrimination in employment, public accommodations and voting. Includes mental impairments, use of alcohol, current use of legal drugs and previous use of illegal drugs as covered disabilities.

Delineates unlawful employment practices with respect to an individual with a disability. Prohibits a covered entity from conducting medical examinations or making inquiries as to whether an individual has a disability unless specified exceptions apply. Requires consideration of an employer's judgment as to what functions of the job are essential and allows a written description of the job that was prepared before advertising or interviewing for the job to be evidence of the essential functions of the job.

Adds age as a protected class for purposes of apprenticeship or other job training. Prohibits sex discrimination in places of public accommodation. Prohibits excluding a qualified individual with a disability from voting because of the disability. Deems compliance with specified federal acts as compliance with Arizona's voting rights protections. Modifies enforcement and remedies for discrimination in public accommodations and voting rights. Extends, from 60 to 180 days, the period in which the charging party may file with the Attorney General (AG) for an alleged discriminatory practice. Authorizes the AG's civil rights division to file a charge on its own initiative to investigate an alleged discriminatory practice or act. If the court finds that discrimination occurred, the court may award actual and compensatory damages, court costs, preventive relief and reasonable attorney fees. Increases the permissible civil penalties for a violation from \$300 to not more than \$5,000 for a first violation and not more than \$10,000 for a subsequent violation. Eliminates the requirement for a hearing before the Arizona Civil Rights Advisory Board prior to a court proceeding.

criminal history access; compact (NOW: crime prevention; information sharing; compact) (H.B. 2356) – Chapter 127

Provides legislative approval of Arizona's participation in the National Crime Prevention and Privacy Compact (Compact). Purposes of the Compact include providing a legal framework for establishing a cooperative federal-state system for exchanging criminal history records for noncriminal justice uses; requiring the Federal Bureau of Investigation and party states to provide criminal history records to other states and the federal government in specified circumstances; and requiring compacting states to adhere to system standards concerning record dissemination and use, response time, system security, data quality and other established standards.

law enforcement council; attorney fees (H.B. 2357) – Chapter 268

Allows the Law Enforcement Officers Merit System Council (Council), a civil service plan appeals board (appeals board) or the superior court to award costs and reasonable attorney

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fees incurred by an employee appealing an order from the department head for a suspension greater than 16 hours, demotion or dismissal. Prohibits awarding attorney fees if: (1) the order was for administrative rather than disciplinary purposes; (2) the disciplinary action related to off-duty activities unrelated to the required duties of the officer; or (3) the officer was not exonerated by the Council, the appeals board or the superior court. Limits attorney fee awards to \$10,000 by the Council or the appeals board and \$15,000 by the superior court.

judges pro tempore; terms (H.B. 2358) – Chapter 30

Extends the term of judges pro tempore and justices of the peace pro tempore from 6 months to 12 months.

underage persons; spirituous liquor (H.B. 2467) – Chapter 285

Creates as a class 2 misdemeanor the crime of having any spirituous liquor in a person's body if that person is under the age of 21 years. Establishes a defense to prosecution for underage persons who consume spirituous liquor in connection with a religious exercise or for medicinal purposes and in a manner not dangerous to public health or safety.

slum property; abatement (H.B. 2518) – Chapter 91

Requires the court to issue a temporary restraining order if, in addition to other requirements, the court finds that the owner of residential property, the owner's managing agent or the party responsible for the property knew of criminal activity occurring on the property and did not take reasonable action to stop the nuisance. Eliminates the requirement that residential property owners must be in noncompliance with property registration laws for the State or a municipality to apply for the appointment of a temporary receiver to manage a slum property. Removes the condition that a residential property must be registered with the county assessor in order to terminate the temporary receivership.

Arizona rangers (H.B. 2539) – Chapter 112

Recognizes the Arizona Rangers as an unpaid, noncommissioned civilian auxiliary dedicated to law enforcement support and assistance. States that the Arizona Rangers possess only those law enforcement and investigative powers that are provided in law for all Arizona citizens.

confidential records; access (H.B. 2551) – Chapter 129

Requires the Administrative Office of the Courts, in conjunction with specified organizations and agencies, to develop an application form for persons requesting that the public

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be prohibited from accessing personal identifying information contained in particular records. Allows a judge to temporarily stay or permanently vacate a court order prohibiting access to records if certain circumstances exist.

Specifies that, if a judge grants a request sealing a person's voter registration records, the records must be sealed for five years. The county recorder is required to remove the restrictions on voter records by January 5 of the year after the court order expires.

department of public safety; continuation (H.B. 2555) – Chapter 92

Continues the Arizona Department of Public Safety until July 1, 2012.

purchaser dwellings; opportunity to repair (H.B. 2620) – Chapter 281

Outlines a procedure for notice of an alleged defect by a buyer and opportunity to repair the alleged defect by the seller before the filing of a purchaser dwelling action. Specifies required time limits and notification processes for the seller and purchaser prior to filing a dwelling action. Allows the seller to inspect the dwelling after receiving notification of defects to determine the extent and cause of defects and allows the purchaser to amend the notice to include subsequently discovered defects. Allows the admission of a purchaser's failure to provide good faith notice or a seller's failure to respond in good faith in any dwelling action.

Tolls the statute of limitations for filing a dwelling action until 90 days after the seller receives notice or a reasonable time period agreed to by the parties. Requires the court to award attorney fees, expert witness fees and taxable costs to a successful party in a contested dwelling action.

Requires a contract for a newly constructed dwelling to provide notice of a buyer's right to file a complaint against the homebuilder with the Registrar of Contractors.

Allows the court to stay action for 90 days if a purchaser files a dwelling action without first complying with this act. Requires the court to stay action for 90 days if a multiunit dwelling action is filed, absent a showing of good cause.

~~critical incident stress management; confidentiality~~ (NOW: law enforcement employees; paid leave) (H.B. 2639) – Chapter 341

Allows paid leave to be considered hours worked for the purpose of calculating overtime compensation for a person engaged in law enforcement activities.

JUDICIARY COMMITTEE (Cont'd.)

bailable offenses; prohibition (S.C.R. 1011)

Requests voter approval during the next general election of a constitutional amendment making offenses involving sexual assault, sexual conduct with a minor under 15 years of age or molestation of a child under 15 years of age nonbailable when the proof is evident or the presumption great that the person is guilty of the charged offense. Lists three purposes of bail and conditions of release that are set by a judicial officer.

state lottery; continuation (H.C.R. 2012)

Refers to the voters the ten-year continuation of the Arizona State Lottery and the Arizona State Lottery Commission.

~~lieutenant governor~~ (NOW: probation; drug crimes) (H.C.R. 2013)

Refers to the voters a measure permitting the court to revoke probation in some circumstances for drug offenders who fail or refuse to participate in court-ordered drug treatment programs or who reject probation. Specifies that although a person may not be eligible for some types of probation, the court may impose probation under other sentencing laws.