



# MEMORANDUM

Date: August 2, 2023

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: Jan Leshner *Jan Leshner*  
County Administrator

Re: Legislative Agenda Update

As noted in the second paragraph, when the Legislative Agenda was being finalized the Arizona State Legislature was still in session. On Monday, July 31 at 5:31 pm, the Legislature adjourned sine die.

JKL/mp

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer  
Steve Holmes, Deputy County Administrator

AUG 03 23:40:45 POC CLK DE-30



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# Board of Supervisors Memorandum

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August 8, 2023

## 2024 Legislative Agenda

### Background

Each year Pima County approves an annual Legislative Agenda, which ensures that the interests of the County are represented with elected and appointed officials in both the State and Federal governments. The Legislative Agenda provides a delineation of the key governmental issues determined by the Board of Supervisors, which allows for the appropriate planning and management of Pima County's response to legislative issues.

### State Agenda

While it is time to begin the process of developing the Pima County Legislative Agenda for 2024, as this memorandum is being finalized, the Arizona State Legislature is still in session in what is currently the longest Regular Session in the state's history. This may result in proposed amendments to the Agenda prior to final adoption.

It may seem early or premature for the County to consider a legislative agenda at this time but this is only one initial way in which Pima County participates in the legislative process. Pima County works closely with the County Supervisors Association (CSA) on legislative issues not only to ensure that our county's goals are reflected in the advocacy work conducted by the CSA, but that by combining the voices of all counties, our voice is strengthened and might be heard at the legislature when the legislature might not listen to our voice alone. The CSA requires counties to submit their ideas for the next legislative session the first week of August. Approval of the Pima County Legislative Agenda on August 8 will enable Pima County to have our priorities considered at the Legislative Summit, which will take place October 11- 13, 2023. It is at that Summit that we will develop a statewide initiative, delineating the important issues facing Arizona's counties.

The legislative process is one that is evolving and dynamic. Changes may need to be made and adjustments may be required as the legislative session draws closer. During the session, issues of concern potentially affecting Pima County that may not have been highlighted for consideration may arise. County elected and appointed officials are in frequent communication with the County's lobbyist and are regularly updated on bills that may impact the people of Pima County. As bills are being introduced, bills that may be of interest to our residents are flagged by members of the Board of Supervisors, our lobbyist, or County personnel. Action by the Board throughout the year may amend this initial document.

Earlier this year, County Departments were asked to identify items within their department and budget that are:

The Honorable Chair and Members, Pima County Board of Supervisors

Re: **2024 Legislative Agenda**

August 8, 2023

Page 2

- resulting from statutorily mandated procedures that are not beneficial to the public or cost effective;
- costs that have been unjustifiably shifted to the County from the State;
- mandated services for which the State provides no or inadequate funding; and
- existing revenues and authorities from the State that the departments has reason to believe will be at risk next year.

Proposals received from both elected and appointed officials were aligned with broad legislative goals for 2024, as follows:

1. Protect the Pima County Taxpayer;
2. Invest in Pima County's Infrastructure;
3. Maintain or Strengthen Critical Programs;
4. Fortify Public Safety; and
5. Support the County Supervisors Association Adopted Legislative Agenda.

Attached please find Resolution No. 2023-\_\_\_\_\_, adopting the County legislative program for 2024 (Attachment 1)

1. Protect the County Taxpayer

Each year the State of Arizona transfers to Pima County the cost of many programs, some regardless of policy connection. These transfers can represent as much as 25 percent of our primary property tax revenue and we have little choice other than to accept State cost transfers. It is proposed, therefore, that the County oppose any and all State cost transfers that increase the tax burden of Pima County residents.

Attachment 2 contains those proposals that protect the Pima County taxpayer. It contains proposals submitted by the Pima County Attorney, the Clerk of the Board, Pima Animal Care Center and the Procurement Department that have an impact on how the County does business, which can result in a financial liability to Pima County residents.

- A. Create reasonable boundaries around public records requests while maintaining a high level of transparency and accountability.
- B. Change the requirements for the annual renewal of the advertising and printing contract to mirror standard practices required for all contracts
- C. Modernize process of bid notices and vendor registration by transitioning from posting in a printed newspaper to electronic notification
- D. Modernize process of surplus property sales by transitioning from posting in a printed newspaper to electronic notification/County website

In addition, Pima Animal Care Center proposes to protect pet owners who may be subject to predatory lending processes with the following proposal:

- E. Prohibit the financing of companion animals.

The Pima County Economic Development Department has delineated a variety of issues related to the attraction, retention and expansion of primary jobs in specific industries within Pima County. In accordance with the 2023-2036 Pima County Economic Development Strategic Plan, it is recommended that Pima County monitor and advise as appropriate on topics including but not limited to grant opportunities for job training and workforce development, support for rural broadband infrastructure, development of innovation in technology sectors.

## 2. Invest in Pima County's Infrastructure

Transportation Funding – Transportation and infrastructure financing in the state of Arizona is facing a crisis. Arizona's fixed gas tax has not been increased in over 30 years to account for increases in inflation and enhanced road standards and road modernization. Existing revenue sources in the Highway User Revenue Fund provide less than 35 cents per dollar as compared to the early 1990s. The state's most recent five-year transportation plans only have adequate revenues to fund a portion of ongoing system maintenance and no new capacity improvements. In recent years, the magnitude of this problem has been masked by the infusion of state general fund revenues into the transportation system however, these infusions are unlikely to continue into the future. Revenue sources have also not been adjusted to account for the ever-increasing number of alternate fuel vehicles, which is further accelerating the erosion of the existing revenue pool and putting increasing stress on our roads. Arizona must in the very near future confront the transportation funding shortfall.

Each year the Pima County Legislative Agenda notes that the State has not seriously invested in our transportation system in over 30 years, leading to declining revenues and inflation erosion of those revenues, all leading to deteriorating transportation systems. Pima County supports efforts to review and revise the existing gas tax and other revenues to adequately fund our transportation system and ensure that all users of the system are paying an appropriate share. Additionally, the existing revenue distribution system short changes a number of Arizona counties including Pima County. Any new revenues in the system should also include revisions to the existing distribution formula to more adequately distribute those funds.

## 3. Maintain or Strengthen Critical Programs

A variety of critical programs that serve the people of Pima County are either funded by the State of Arizona or are an integral part of the provision of State services to Pima County residents, which are successful due to continue State support. Attachment 3 includes those various proposals that are drafted to maintain or strengthen critical programs.

Every day residents of Pima County are impacted by increased activities related to dry and hot weather in our region. Continued funding of the Arizona Department of Forestry and Fire Management (DFFM) is critical to the emergency response to floods in Pima and many other counties.

Pima County and our local partners have already received \$4,000,000 and when all projects are approved and reimbursement is provided, this number will double. Continued funds to support counties and their communities in the future will be critical, especially when these emergencies do not meet the criteria for declared emergencies and the mechanisms of funding that could become available.

The Office of Emergency Management seeks to support a statewide proposal to ensure Pima County and partners have adequate funds to provide critical tools to our first responders by ensuring that the State of Arizona:

A. Provide adequate funding for the Arizona Department of Forestry and Fire Management

In response to the COVID-19 pandemic, critical programs to support eviction prevention, community health and outreach, and access to services in the jails were developed in response to local area needs. The pandemic highlighted continuing needs as the financial and programmatic support decreases or ends with the ending of federal funding. As we transition from pandemic era levels of funding, critical programs must be maintained or in some cases, strengthened.

The State's Fiscal Year 23-24 budget included an investment of \$150 million into the Affordable Housing Trust Fund. As Emergency Rental Assistance (ERA) programs in Arizona have, either already expired or are winding down, local jurisdictions face continued community need. This proposal would seek allocations of funding to Pima County and other local jurisdictions to continue scaled-back rent and utility assistance programs that were so successful during the pandemic.

Specifics of the Community Workforce and Development proposal are found in a proposal to:

B. Fund the Affordable Housing Trust Fund

Arizona's cities and towns, while comprising a large percentage of the state population, have no statutory role in public health. It is the county that has responsibility to manage and execute a countywide public health program. Because of the import role that county public health agencies play in service to our residents, authority to carry out needed programs to improve overall community health, respond to current and emerging threats, support efforts to address the ongoing opioid crisis, and minimize the spread of infectious diseases must be maintained by the local health department.

Three initiatives proposed by the Pima County Health Department will:

C. Protect the local public health authority;

- D. Enable pharmacists to prescribe Pre-Exposure Prophylaxis (PrEP) for HIV Prevention;  
and
- E. Protect and expand availability and distribution of Naloxone

Pima County, at the direction of the Board of Supervisors in early 2021, created the Pima Early Education Program (PEEP), which funds scholarships for preschool age children (3-5 years old) for income eligible families, at a cost of approximately \$10 million a year.

In Fiscal Year 2023, PEEPs served over 1,300 children at over 180 public and private centers and home-based locations that are either nationally accredited or participating in the State of Arizona's quality improvement and rating system. Through PEEPs and the pandemic recovery funding allocated to the State of Arizona, the number of Department of Economic Security (DES) childcare providers with a quality 3 to 5 star rating has increased from 110 providers to 179 providers. One of PEEPs guiding principles is to advocate for a long-term statewide solution. The PEEPs program will be much less effective if statewide funding for preschool and childcare decreases dramatically next fiscal year.

The Pima Early Education Program proposal seeks to:

- F. Appropriate State General Funding to maintain DES childcare subsidy reimbursement rates at the cost of providing quality childcare

#### 4. Fortify Public Safety

Attachment 4 includes those initiatives that are designed to fortify public safety.

In Administrative Order No. 2007-92, the Arizona Supreme Court established the Capital Case Oversight Committee in 2007 to "study and recommend measures to facilitate capital case reduction efforts." That Oversight Committee continues but reports include recommended language changes that allow for a rate of not less than one hundred dollars per hour. The Public Defense Services Department recommends an increase in order to retain qualified counsel. This proposal is recommended as:

- A. Support capital post-conviction pay cap

Severe Threat Orders of Protection, also known as "red flag laws" and "extreme risk orders of protection," are a way to stop mass shootings and other gun-related tragedies by temporarily intervening to suspend a person's access to firearms if they show clear warning. Arizona residents, however, who observe these warning signs have no clear means of intervening to prevent this violence until it is too late.

A red flag law that allows families, household members, or law enforcement to petition a court directly for an order of protection, which temporarily restricts a person's access to guns if they are found to present a significant risk of harming themselves or others. A proposed outline for a red flag law is included as:

B. Support Severe Orders of Protection & HB 2184 (2023)

Federal Agenda

While Pima County's federal lobbying effort rarely focuses on specific legislation, critical communications impact the County's access to federal dollars and to make and enforce rules and regulations to support critical infrastructure and local programs. These programs include, but are not limited to additional funding for Federal Workforce Innovation and Opportunity Act (WIOA) money for workforce-development programs for youth programs, transportation and communications infrastructure and local efforts to avoid street release in support of the federal response to the passage of legal asylum seekers through Pima County.

5. Support the County Supervisors Association Adopted Legislative Agenda

The County actively participates in and closely monitors the County Supervisors Association (CSA) and their priorities for the upcoming legislative session. In October, the CSA Legislative Summit will be held at which time statewide priorities and strategies for counties will be developed.

Support of Countywide Elected Officials

Some legislation, which is proposed by Pima County Elected Officials, will be taken forward to the Arizona Association of Counties. While the County Board of Supervisors may support the proposed legislation, these proposals are included in the resolution for purposes of consideration by the Board of Supervisors but are not part of the initiatives to be presented to the County Supervisors Association.

Pima County Assessor's Office, in coordination with the Pima County Treasurer, proposes changes in the processing of all Class 3 to 4 changes that modifies the prescriptive language (Attachment 5). These elected officials propose language that is a simple amendment to the statute that would allow for discretion in these processes.

The Pima County Recorder is not submitting legislation for consideration by the Board of Supervisors; however, the Arizona Recorder's Association is submitting legislation to the Arizona Association of Counties dealing with:

- Sovereign Citizen Recordings
- Record Retention
- AVID Funding
- Third-Party Disclosures / Mailings
- Pay-Per-Form Prohibition
- Emergency Voting
- Primary Retention Elections (moving non-partisan judges race to appear on Primary Ballot, rather than General Ballot)

The Honorable Chair and Members, Pima County Board of Supervisors

Re: **2024 Legislative Agenda**

August 8, 2023

Page 7

Recommendation

I recommend the Board of Supervisors adopt Resolution No. 2023-\_\_\_\_\_ adopting Pima County's legislative program for 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Leshner", with a stylized, cursive script.

Jan Leshner  
County Administrator

JKL/anc – August 1, 2023

Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer  
Steve Holmes, Deputy County Administrator  
Michael Racy, Racy Associates, Inc.



# Attachment 1

RESOLUTION NO. 2023 -\_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA  
ADOPTING A PIMA COUNTY LEGISLATIVE PROGRAM FOR 2024

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA,  
AS FOLLOWS:

Section 1

Those persons authorized by Pima County to lobby on its behalf and registered as lobbyists with the Secretary of State of the State of Arizona pursuant to Arizona Revised Statutes §41-1231 et seq. (the "County Lobbyists") are hereby authorized and directed, subject to the continuing supervision of the Pima County Administrator and this Board, to represent and pursue the legislative interests of Pima County by supporting legislation that embodies any of the following basic principles:

- A. Empowers Pima County with sufficient flexibility to address an expanding and changing variety of local needs and conditions.
- B. Establishes appropriate means to adequately compensate Pima County for the costs of complying with state mandated requirements.
- C. Provides Pima County with the means to cope with inflationary cost increases, population growth and escalating service requirements.
- D. Enables Pima County to provide public services in a more responsive, efficient and cost-effective manner.
- E. Defines appropriate fiscal and administrative responsibilities within various Federal/County, State/County and City/County joint programs.

Conversely, legislation that is inconsistent with any of these basic principles should be opposed or appropriate amendments pursued.

Section 2

In addition to those basic principles set forth in Section 1, the County Lobbyists are authorized and directed to pursue the following specific objectives:

A. Protect the County Taxpayer

- 1. Oppose any State Cost Transfer that would transfer cost to the County.
- 2. Create reasonable boundaries around public record requests while maintaining a high level of transparency and accountability.

3. Change the requirements for the annual renewal of the advertising and printing contract to mirror standard practices required for all contracts.
4. Modernize process of bid notices and vendor registration by transitioning from posting in a printed newspaper to electronic notification.
5. Modernize process of surplus property sales by transitioning from posting in a printed newspaper to electronic notification/County website.
6. Prohibits the financing of companion animals.

#### B. Invest in Pima County's Infrastructure

A critical focus of our advocacy must be on the State and Arizona Department of Transportation (ADOT) to ensure funds are made available to Pima County for both new roads and maintenance of the existing transportation infrastructure.

#### C. Maximize or Strengthen Critical Programs

1. Provide adequate funding for the Arizona Department of Forestry and Fire Management.
2. Fund the Affordable Housing Trust Fund.
3. Protect the public health authority.
4. Enable pharmacists to prescribe Pre-Exposure Prophylaxis (PrEP) for HIV Prevention.
5. Protect and expand availability and distribution of Naloxone.
6. Appropriate State General Funding to maintain Department of Economic Security (DES) Childcare Subsidy Reimbursement Rates at the cost of providing quality childcare.

#### D. Fortify Public Safety

1. Establish a capital post-conviction pay cap for attorneys.
2. Support severe orders of protection ("red flag laws").

#### E. Federal Advocacy

County federal lobbyists shall advocate for the County's access to federal dollars and to make and enforce rules and regulations to support critical infrastructure and local programs.

F. Support the County Supervisors Association Adopted Legislative Agenda

Continue to support the County Supervisors Association Adopted Legislative Agenda.

G. Monitor Legislative Efforts of Countywide Elected Officials and Other Associations.

Direct County Staff to work with Countywide Elected Officials, Arizona Association of Counties, and other statewide organizations to monitor legislation proposed and endorsed by these partners and to report to the Board of Supervisors on any action recommended by the County Administrator or County Lobbyists.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors, Pima County, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

  
\_\_\_\_\_  
Deputy County Attorney

# Attachment 2 A

**2024 Legislative Policy Proposal Form**  
**19<sup>th</sup> Annual CSA Legislative Summit**  
**Hosted by Coconino County**  
**October 11, 2023 – October 13, 2023**  
**Proposals due Monday August 7, 2023**

**Proposal Form Overview:** *The proposal form provides Arizona county supervisors and professional staff an opportunity to propose legislative solutions to improve efficient, responsive delivery of county government services. Prior to submitting the proposal, please seek approval by the majority of the county board of supervisors.*

**Submitting County:** Pima County

**Background:** The proposed legislation is to create reasonable boundaries around public records requests while maintaining a high level of transparency and accountability.

The prior Legislature passed SB1148, adding A.R.S. § 39-129, which allows a county, city, town, or any political subdivision to establish a onetime fee (capped at \$46 per video-hour reviewed) for a public records request to a local law enforcement agency for a copy of a video recording. Only local law enforcement, such as Pima County Sheriff's Department, may establish this fee and, therefore, no other Pima County office can establish such a fee, such as the Pima County Attorney's Office, which reviews hundreds of hours of video each year in response to public records requests ("PRR"). See Attachment A.

Furthermore, there is no current law or prospective bills that provide funding for the increased workload or provide guidelines to ensure PRRs remain reasonable rather than excessive. Arizona's public records law requires public officials and agencies to promptly respond to PRRs, and case law has established that the term promptness takes into consideration the volume of records involved and resources of the official or agency.

However, given that records are now in multiple types of paper and electronic formats (e.g., audio, video, email, Teams messages, cloud drives, and text messages), the volume of data involved is enormous. Still, Arizona's public records law has not changed significantly since it was enacted, despite the immeasurable increases in both the quantity and quality of records created by public agencies. The ubiquity of electronic communication in today's world means that a new record is created every time a public employee sends a message or email, and it is not feasible to consistently organize and categorize those records. Combined with the limits of search technology, this means that a thorough search of records can result in many thousands of pages pulled from all corners of an agency's files with little relevance to what the requestor actually seeks. Finding and reviewing these records results in significant workload for public employees and delays for each requestor.

Many PRRs use very broad language and require review of voluminous records in multiple different formats. Pulling, converting into a reviewable format and reviewing and applying redactions has become a time-consuming endeavor. The cost is placed on the public, with very little help in current law to allow for recouping the cost, especially for non-commercial purposes. Charging for broad requests that require viewing voluminous records or difficult to access records would help deter harassing and voluminous PRRs. A.R.S. § 39-121.01

**Recommended Solution:** The proposed solution would impact [5 U.S.C. § 552](#) (Freedom of Information Act [FOIA]) and Arizona Revised Statutes, Title 39 (Arizona public records law) by providing the following amendments.

- Amend Arizona public records law to add certain FOIA standards, such as exemptions for records “solely related to the internal personnel rules and practices of an agency,” and “inter-agency or intra-agency memorandums or letters,” also known as the deliberative process privilege. [5 U.S.C. § 552](#). Another consideration is adding an exemption to records concerning an ongoing criminal investigation.
- Amend the new statute A.R.S. § 39-129 to include all public agencies, rather than just local law enforcement to allow public officials and agencies to recuperate some of the cost of reviewing video.
- Amend A.R.S. § 39-121.01 to allow recuperation of the cost for conducting a PRR search and reviewing records in response to a PRR for non-commercial PRRs, similar to A.R.S. § 39-121.03 regarding commercial PRRs.
- A bill to provide additional funding to public officials and agencies to respond to PRRs.
- Amend A.R.S. § 39-121.02 or add another statute to give a public official or agency a statutory right via a special action to sue a request for vexatious or frivolous PRRs.
- Add another statute, tentatively A.R.S. 39-121.05, to create an enforceable process by which public employees can work with requestors to narrow requests that produce more than 5,000 pages of records to be both manageable and to effectively produce the information the requestor seeks.

**Other Potential Remedies:**

**Fiscal Impact:** A cost savings to counties would be realized due to the lessened impact on personnel who respond to Public Records Requests, decreased software costs to manage such requests and the ability to require the Public Records requestor to pay for the cost of searching and reviewing records would help address the high cost of Public Records Requests.

**Stakeholders:** Multiple governmental agencies subject to public records requests.

**Primary Contact:** Pima County Attorney’s Office

**Name:** Tiffany Tom, Supervising Deputy County Attorney (Public Records and Public Safety Unit)  
**Phone:** 520.724.4046  
**E-mail:** Tiffany.Tom@pima.gov

House Engrossed Senate Bill

law enforcement; video recordings; fee

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **CHAPTER 190**

# **SENATE BILL 1148**

AN ACT

AMENDING SECTIONS 13-4405 AND 39-127, ARIZONA REVISED STATUTES; AMENDING  
TITLE 39, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 39-129; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4405, Arizona Revised Statutes, is amended to  
3 read:

4 13-4405. Information provided to victim by law enforcement  
5 agencies

6 A. As soon after the detection of a criminal offense as the victim  
7 may be contacted without interfering with an investigation or arrest, the  
8 law enforcement agency that has responsibility for investigating the  
9 criminal offense shall provide electronic forms, pamphlets, information  
10 cards or other materials to the victim:

11 1. That ~~allows~~ ALLOW the victim to request or waive applicable  
12 rights to which the victim is entitled, on request, under this article.

13 2. That ~~provides~~ PROVIDE the victim a method to designate a lawful  
14 representative if the victim chooses pursuant to section 13-4403,  
15 subsection A or section 13-4404.

16 3. That ~~provides~~ PROVIDE notice to the victim of all of the  
17 following information:

18 (a) The victim's right under the victims' bill of rights, article  
19 II, section 2.1, Constitution of Arizona, to be treated with fairness,  
20 respect and dignity and to be free of intimidation, harassment or abuse  
21 throughout the criminal or juvenile justice process.

22 (b) The availability, if any, of crisis intervention services and  
23 emergency and medical services and, where applicable, that medical  
24 expenses arising out of the need to secure evidence may be reimbursed  
25 pursuant to section 13-1414.

26 (c) In cases of domestic violence, the procedures and resources  
27 available ~~for the protection of~~ TO PROTECT the victim pursuant to section  
28 13-3601.

29 (d) The names and telephone numbers of public and private victim  
30 assistance programs, including the county victim compensation program and  
31 programs that provide counseling, treatment and other support services.

32 (e) The police report number, if available, other identifying case  
33 information and the following statement:

34 If within thirty days you are not notified of an arrest in  
35 your case, you may call (the law enforcement agency's  
36 telephone number) for the status of the case.

37 (f) Whether the suspect is an adult or juvenile, a statement that  
38 the victim will be notified by the law enforcement agency at the earliest  
39 opportunity after the arrest of a suspect.

40 (g) If the suspect is an adult and has been arrested, the victim's  
41 right, on request, to be informed of the suspect's release, of the next  
42 regularly scheduled time, place and date for initial appearances in the  
43 jurisdiction and of the victim's right to be heard at the initial  
44 appearance and that, to exercise these rights, the victim is advised to  
45 contact the custodial agency regarding the suspect's release and to

1 contact the court regarding any changes to the initial appearance  
2 schedule.

3 (h) If the victim chooses to exercise the right to be heard through  
4 a written statement, how that statement may be submitted to the court.

5 (i) That the victim or the immediate family member of the victim,  
6 if the victim is killed or incapacitated, has the right to receive one  
7 copy of the police report, including any supplements to the report, AND  
8 VIDEO RECORDINGS from the investigating law enforcement agency at no  
9 charge pursuant to ~~section~~ SECTIONS 39-127 AND 39-129.

10 B. If at the time of contact with a law enforcement agency the  
11 victim is physically or emotionally unable to request or waive applicable  
12 rights, the law enforcement agency shall designate this in the format that  
13 is authorized by subsection A of this section and the entities that may be  
14 subsequently affected shall presume that the victim invoked the victim's  
15 right to request applicable rights to which the victim is entitled, on  
16 request, unless the victim later waives those rights.

17 C. The law enforcement agency shall submit a copy of the victim's  
18 request or waiver of preconviction rights form to the custodial agency and  
19 a copy to the prosecutor if a suspect is arrested, at the time the suspect  
20 is taken into custody. If there is no arrest, the form copies shall be  
21 submitted to the prosecutor at the time the case is otherwise presented to  
22 the prosecutor for review. The prosecutor shall submit a copy of the  
23 victim's request or waiver of preconviction rights form to the departments  
24 or sections of the prosecutor's office, if applicable, that are mandated  
25 by this article to provide victims' rights services on request.

26 D. If the suspected offender is cited and released, the law  
27 enforcement agency responsible for investigating the offense shall inform  
28 the victim of the court date and how to obtain additional information  
29 about the subsequent criminal proceedings.

30 E. Law enforcement agencies within a county may establish different  
31 procedures designed to efficiently and effectively provide notice of the  
32 victim's rights pursuant to this section and notice to affected entities  
33 of the victim request or waiver information. If different procedures are  
34 established, the procedures shall:

35 1. Be reported to the entities within a county affected by the  
36 procedures and reported to the attorney general.

37 2. Be designed so that custodial agencies and prosecutors within a  
38 county receive notice of the victim's request or waiver of the victim's  
39 preconviction rights at the same time that an adult suspect is arrested.

40 3. Be designed so that prosecutors within a county receive notice  
41 of the victim's request or waiver of the victim's preconviction rights, if  
42 there is no arrest, at the same time that the case is otherwise presented  
43 to the prosecutor for review.

44 4. Provide that the notice to affected entities of a victim's  
45 request or waiver of the victim's preconviction rights includes

1 information that affords the affected entity the ability to contact the  
2 victim.

3 5. Be supported by use of electronic forms, brochures or other  
4 written materials that are developed by the law enforcement agencies  
5 within a county and reviewed by the attorney general pursuant to section  
6 13-4417, subsection B.

7 F. If a suspect has not been arrested at the time of contact with  
8 the victim pursuant to subsection A of this section, the law enforcement  
9 agency that is responsible for investigating the offense shall notify the  
10 victim of the arrest of a suspect at the earliest opportunity after the  
11 arrest and of the time, place and date for the initial appearance.

12 Sec. 2. Section 39-127, Arizona Revised Statutes, is amended to  
13 read:

14 39-127. Free copies of police reports, video recordings and  
15 transcripts for crime victims; definition

16 A. A victim of a criminal offense that is a part I crime under the  
17 statewide uniform crime reporting program, the victim's attorney on behalf  
18 of the victim or an immediate family member of the victim if the victim is  
19 killed or incapacitated has the right to receive one copy of the police  
20 report AND VIDEO RECORDINGS from the investigating law enforcement agency  
21 at no charge and, on request of the victim, the court or the clerk of the  
22 court shall provide, at no charge, the minute entry or portion of the  
23 record of any proceeding in the case that arises out of the offense  
24 committed against the victim and that is reasonably necessary for the  
25 purpose of pursuing a claimed victim's right. For the purposes of this  
26 subsection, "criminal offense", "immediate family" and "victim" have the  
27 same meanings prescribed in section 13-4401.

28 B. A victim of a delinquent act that is a part I crime under the  
29 statewide uniform crime reporting program, the victim's attorney on behalf  
30 of the victim or an immediate family member of the victim if the victim is  
31 killed or incapacitated has the right to receive one copy of the police  
32 report AND VIDEO RECORDINGS from the investigating law enforcement agency  
33 at no charge and, on request of the victim, the court or the clerk of the  
34 court shall provide, at no charge, the minute entry or portion of the  
35 record of any proceeding in the case that arises out of the offense  
36 committed against the victim and that is reasonably necessary for the  
37 purpose of pursuing a claimed victim's right. For the purposes of this  
38 subsection, "delinquent act", "immediate family" and "victim" have the  
39 same meanings prescribed in section 8-382.

40 C. For the purposes of this section, "attorney" means any person  
41 who is a member in good standing of the bar of the highest court of any  
42 state, possession, territory, commonwealth or district of the United  
43 States and who is not under any order of any court suspending, enjoining,  
44 restraining, disbaring or otherwise restricting the person in the  
45 practice of law.

1           Sec. 3. Title 39, chapter 1, article 2, Arizona Revised Statutes,  
2 is amended by adding section 39-129, to read:

3           39-129. Local law enforcement; video recordings; fee

4           EXCEPT AS PROVIDED IN SECTION 39-127, A COUNTY, A CITY, A TOWN OR  
5 ANY POLITICAL SUBDIVISION OF THIS STATE MAY ESTABLISH A ONETIME FEE PER  
6 COPY, NOT TO EXCEED \$46 PER VIDEO-HOUR REVIEWED, THAT IS CHARGED TO A  
7 PERSON WHO SUBMITS A PUBLIC RECORDS REQUEST TO A LOCAL LAW ENFORCEMENT  
8 AGENCY FOR A COPY OF A VIDEO RECORDING. A COUNTY, A CITY, A TOWN OR ANY  
9 POLITICAL SUBDIVISION OF THIS STATE MAY TAKE INTO CONSIDERATION THE  
10 FOLLOWING INFORMATION WHEN DETERMINING THE AMOUNT OF THE ONETIME FEE PER  
11 COPY:

12           1. THE REASONABLE COST OF REVIEWING, TRANSMITTING, MAKING A COPY OF  
13 AND, AS NECESSARY, REDACTING THE VIDEO RECORDING.

14           2. ANY OTHER RELEVANT INFORMATION.

APPROVED BY THE GOVERNOR JUNE 20, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 20, 2023.

# Attachment 2 B

**2024 Legislative Policy Proposal Form**  
**19<sup>th</sup> Annual CSA Legislative Summit**  
**Hosted by Coconino County**  
**October 11, 2023 – October 13, 2023**  
**Proposals due Monday August 7, 2023**

**Proposal Form Overview:** *The proposal form provides Arizona county supervisors and professional staff an opportunity to propose legislative solutions to improve efficient, responsive delivery of county government services. Prior to submitting the proposal, please seek approval by the majority of the county board of supervisors.*

**Submitting County:** Pima County

**Background:** Changing the requirements for the annual renewal of the advertising and printing contract will allow the process to conform to current procurement processes and improve efficiency by allowing renewals instead of performing a procurement process each year. Removing the requirement that bid notices be mailed via the U.S. Postal Service by the Clerk of the Board to qualified newspapers would allow for the use of technology to distribute the bid notices, as is the current and only responsible practice.

**Recommended Solution:** Removal of the annual renewal requirement would allow for a 1-year contract term with four 1-year renewal options in conformance with procurement standards and the practice for most other as required contracts as allowed by statute. Removing the bid notification process by the Clerk of the Board will allow Procurement to perform this function using their standard notification process, as is currently being performed by most if not all counties. Removing the reference to the method of sending the notice by the U.S. Postal Service allows for the use of technology, which would allow for more rapid distribution of information to a larger audience.

Title 11 - Counties - Chapter 2 BOARD OF SUPERVISORS - Article 4 Powers and Duties

11-255. Annual contract for advertising and printing

- A. The board shall contract ~~annually~~ for all advertising, publications and printing required to be done or made by all departments of county government.
- B. Written notice of letting the contract shall be **sent to a representative** ~~deposited in the post office by the clerk of the board, postage prepaid, addressed to the office of~~ each qualified newspaper within the county, at least ten days prior to the opening of bids, calling for written bids for the advertising, publications and printing required by all county departments ~~during the ensuing year~~; and stating on what day the bids received will be opened.
- C. A contract shall be made with the lowest and best bidder, in the discretion of the board, and to a newspaper which for at least one year has been admitted to the United States mail as second-class matter, ~~if the bid is within the legal rate~~. During the existence of the contract, all advertising, publications and printing ordered by any department of county government shall be provided to the newspaper awarded the contract for printing under the terms and conditions of the contract.

**Other Potential Remedies:**

**Fiscal Impact:** The proposed change would eliminate the expense associated with conducting annual renewals and the costs associated with the U.S. Postal Service.

**Stakeholders:** The Clerk of the Board and Procurement Department(s)

**Primary Contact:** Clerk of the Board

**Name:** Melissa Manriquez  
**Phone:** 520.724.8449  
**E-mail:** Melissa.Manriquez@pima.gov

# Attachment 2 C



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**Submitting County:** Pima County

**Background:** The requirement to place bid notices in a printed newspaper as a legal notice is an outdated practice, as is the requirement for vendors to notify the Procurement Department in writing to be added to the vendor list. The use of technology allows for more efficient and expedient processes by posting notices on a website and electronically notifying vendors who have registered electronically.

The printed newspaper notice no longer has the ability to reach our target audience. The current circulation of Pima County's official newspaper is in the hundreds. The County has been electronically posting bid notices and emailing notices for over a decade. These electronic postings and emails are reaching a larger audience. The printed newspaper process costs public funds and delays the process, with little or no value to the citizens.

It is impractical to require vendors to notify Procurement in writing, this practice has not occurred for more than a decade. Pima County currently maintains an electronic database of over 36,000 vendors.

**Recommended Solution:** The proposal allows for the use of technology, specifically the internet, for posting bid notices, emailing vendor notices and allowing vendors to register with the County. All of these electronic postings are currently occurring, not only by Pima County but also by most, if not all, agencies in the State of Arizona. The proposal would result in savings for the County, but most importantly, website postings have the capability to reach a larger audience, which is the purpose of the public notice requirement.

11-254.01. County purchasing procedures; purchases to be based on competitive bids; content and issuance of invitations and specifications; basis of awards and rejection of bids; professional services; buildings.

A. All purchases of supplies, materials, equipment and contractual services, except professional services, made by the county having an estimated cost in excess of ten thousand dollars per transaction, or the aggregate dollar amount provided for in section 41-2535, if pursuant to section 41-2501, subsection C the board of supervisors adopts the aggregate dollar amount, shall be based on sealed, competitive bids. The county purchasing agent shall make the awards on board of supervisors approval. The invitation for bids and specifications must be issued in sufficient time before the purchase is made and in sufficient detail to permit free competition. Notice of the invitation for bids shall be published ~~in a newspaper in accordance with title 39, chapter 2 on the county's official website~~ unless the board of supervisors, by at least a two-

thirds vote of its membership, determines that an emergency exists requiring immediate action to protect the public health or safety. Copies of the invitation and specifications shall be supplied to and bids shall be solicited from qualified sources consistent with the item to be purchased as determined by the county purchasing agent, including all qualified suppliers who before the issuance of the invitation notify the purchasing department in writing **or by electronic registration** that they desire to bid on materials, supplies, equipment or contractual services.

**Other Potential Remedies:** *Describe any administrative remedies available to solve the problem.*

**Fiscal Impact:** This legislative solution would eliminate the expense associated with placing legal ads for bid notices. The estimated annual spend for all legal ads in the official newspaper is approximately \$23,626. The annual spend for bid notices is approximately \$2,541. The soft cost is staff time to perform the process approximately 300 times per year, including the processing of the payments. While the direct fiscal impact is minimal, the cost produces no return and is an inefficient process.

**Stakeholders:** Procurement and all departments that pay the advertising fee would support this proposal.

**Primary Contact:** Pima County Procurement Department

**Name:** Terri Spencer  
**Phone:** 520.724.3722  
**E-mail:** Terri.Spencer@pima.gov

# Attachment 2 D

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**Submitting County:** Pima County

**Background:** The requirement to advertise sale notices in a printed newspaper, as a legal notice, is an antiquated practice. Posting notices on a website allows for a more efficient and expedient process. The printed newspaper notice is not reaching our target audience. The current circulation of Pima County's official newspaper is in the hundreds. An online notice has the potential to reach a much larger audience and requires no cost. The current printed newspaper notice costs public funds and delays the process, with little or no value to the citizens.

**Recommended Solution:** The proposed changes modernize processes, transitioning from posting sales notices in a printed newspaper to posting sales notices on the County's website. The proposal allows for the use of technology, specifically the internet, for posting sale notices. The proposal would result in savings for the County, but most importantly, website postings have the capability to reach a larger audience, which is the purpose of the public notice requirement. It is proposed that A.R.S §11-251 (9) and (56) be amended as follows:

Title 11, Chapter 2, Article 4 – 11-251 (9) (56), Surplus Property Sale Notices

11-251. Powers of board

9. Sell at public auction, after thirty days' previous notice given by publication ~~in a newspaper of the county on the County's official website~~, stating the time and place of the auction, and convey to the highest bidder, for cash or contract of purchase extending not more than ten years after the date of sale and on such terms and for such consideration as the board shall prescribe, any property belonging to the county that the board deems advantageous for the county to sell, or that the board deems unnecessary for use by the county, and shall pay the proceeds of the sale into the county treasury for use of the county, except that personal property need not be sold but may be used as a trade-in on the purchase of personal property when the board deems this disposition of the personal property to be in the best interests of the county. If the property for sale is real property, the board shall have the property appraised by an appraiser who is licensed or certified pursuant to title 32, chapter 36. The appraiser shall establish a market value as defined in section 28-7091 for the property. The minimum acceptable bid for the purchase of the property shall be at least ninety percent of the market value, except that if the property has no market value or a net value as defined in section 28-7095, subsection F of \$10,000 or less, the value of the property may be justified by a market analysis that is based on comparable sales. The notice regarding the sale of real property shall be published in the county where the property is situated and may be published in one or more other counties, and shall contain, among other things, the appraised value, the minimum acceptable sale price, and the common

and legal description of the real property. Notwithstanding the requirement for a sale at public auction prescribed in this paragraph, a county, with unanimous consent of the board and without a public auction, may sell or lease any county property to any other duly constituted governmental entity, including the state, cities, towns and other counties. A county, with unanimous consent of the board and without public auction, may grant an easement on county property for public purposes to a utility as defined in section 40-491. A county, with unanimous consent of the board and without public auction, may sell or lease any county property for a specific use to any solely charitable, social or benevolent nonprofit organization incorporated or operating in this state. A county may dispose of surplus equipment and materials that have little or no value or that are unauctionable in any manner authorized by the board.

56. In addition to paragraph 9 of this section, and notwithstanding section 23-504, sell or dispose of, at no less than market value, county personal property that the board deems no longer useful or necessary through a retail outlet or to another government entity if the personal property has a market value of not more than \$1,000, or by retail sale or private bid, if the personal property has a market value of not more than \$15,000. Notice of sales in excess of \$1,000 shall include a description and sale price of each item and shall be published ~~in a newspaper of general circulation in the county~~ on the county's official website, and for thirty days after notice other bids may be submitted that exceed the sale price by at least five percent. The county shall select the highest bid received at the end of the thirty-day period.

### **Other Potential Remedies:**

**Fiscal Impact:** This proposed change would eliminate the expense associated with placing legal ads for surplus property sale notices. The estimated annual spend for all legal ads in the official newspaper is \$23,626. The annual spend for surplus notices is approximately \$200.00. The soft cost is staff time to perform this process each month, including emailing the ad to the newspaper and the processing of the payments. While the fiscal impact is minimal, the cost produces no return and is an inefficient process.

**Stakeholders:** Procurement Department(s) and all county departments that pay an advertising fee

**Primary Contact:** Pima County Procurement Director

**Name:** Terri Spencer  
**Phone:** 520.724.3722  
**E-mail:** Terri.Spencer@pima.gov

# Attachment 2 E

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**Submitting County:** Pima County

**Background:** In 2014, the City of Tucson passed an ordinance that would require pet stores to sell animals from shelter or non-profit rescue groups only. In 2016, this was overridden by Governor Ducey which allows pet stores to operate throughout Arizona.

These pets are typically acquired through commercial breeders, many breeding animals in inhumane conditions, including roach-infested facilities, keeping nursing dams and their puppies on dangerous wire flooring, and in filthy conditions with major veterinary deficiencies.

Pima County has seen three pet stores open in the City. Some have been alleged to engage predatory lending practices for individuals looking to purchase a pet. Arizona law limits interest rates to protect residents from predatory lending. However, these stores are utilizing FDIC-supervised banks to provide high-interest consumer loans that are legal in Arizona due to the banks being exempt from state rate caps.

**Recommended Solution:** The State of Arizona should -

Prohibit online and physical pet retailers from offering consumer loans to borrowers for the purchase of a dog, cat, bird or rabbit. This would not prohibit an individual from buying a dog, cat, or rabbit with a credit card but would merely prevent predatory lenders from offering consumer loans to borrowers for such a purchase. Recently, California enacted a law prohibiting the financing of companion animals with AB2380.

Provide grants to support community organizations providing low-cost or subsidized spay and neuter services to discourage informal and back-yard breeders.

An amendment to A.R.S. §§ 6-601 et seq., 44-1799.11 is required.

**Other Potential Remedies:**

**Fiscal Impact:**

**Stakeholders:** Humane Society of the United States, Bailing Out Benji and other animal advocacy organizations.

**Primary Contact:** Pima Animal Care Center

**Name:** Monica Dangler, Director  
**Phone:** 520.724.5938  
**E-mail:** Monica.Dangler@pima.gov



# Attachment 3 A

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**Background:** Continued funding of the Arizona Department of Forestry and Fire Management (DFFM) is critical to the emergency response to floods in Pima and many other counties. DFFM's mission is, in part, to foster, maintain, and enhance collaboration with partners, stakeholders, and cooperators to: proactively promote the health and safety of Arizona's forests, woodlands, deserts, and watersheds and to provide leadership and oversight of resources in wildfire response. For Pima County, funding provided by DFFM has uniquely helped our first responders that respond to flood related emergencies. These funds have provided critical tools to our first responders and improvements that best serve our citizens.

Pima County and our local partners have already received \$4,000,000 and when all projects are approved and reimbursement is provided, this number will double. Continued funds to support counties and their communities in the future will be critical, especially when these emergencies do not meet the criteria for declared emergencies and the mechanisms of funding that could become available.

**Recommended Solution:** Fund the Arizona Department of Forestry and Fire Management (DFFM) at an amount that allows for the timely response to emergencies.

**Other Potential Remedies:**

**Fiscal Impact:** Should State funding not be available local fire districts and Pima County would be required to pay the significant cost to respond to natural disasters.

**Stakeholders:** All Arizona counties

**Primary Contact:** Office of Emergency Management

**Name:** Shane Clark, Director  
**Phone:** 520.724.9315  
**E-mail:** Shane.Clark@pima.gov

# Attachment 3 B

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**Submitting County:** Pima County

**Background:** The State's FY23-24 budget included an investment of \$150 million into the Affordable Housing Trust Fund. The federal Emergency Rental Assistance (ERA) programs arising from federal pandemic-relief legislation have highlighted the ongoing need for rent and utility assistance beyond the traditional federal funding received through Community Action Programs. As ERA programs in Arizona have either already expired or are winding down, local jurisdictions face continued community need. This proposal would seek allocations of funding to Pima County and other local jurisdictions to continue scaled-back rent and utility assistance programs that were so successful during the pandemic.

**Recommended Solution:** ERA funding has provided a critical infusion of resources to prevent evictions and homelessness in communities across the country. In Arizona and Tucson in particular, rents have exploded since the beginning of the pandemic, exacerbating an affordable-housing shortage. As ERA programs wind down, available rental assistance will revert to pre-pandemic levels (which were never sufficient to meet community need) at a time when many in the community continue to struggle to afford to rent.

Allocate additional funding from the Affordable Housing Trust fund or other State sources to local jurisdictions to provide rent and utility assistance at levels below those of ERA programs but well above pre-pandemic funding levels. Any proposal should permit braiding together additional services as a condition of receiving funds, such as job assistance, to help put households on a path to sustainability. The program should also incorporate lessons learned from ERA, including the importance of categorical and proxy-based eligibility to remove administrative hurdles.

**Other Potential Remedies:**

**Fiscal Impact:** No negative fiscal impact on the County. Pima County already operates a Community Assistance Division with decades of experience administering rent and utility assistance.

**Stakeholders:** Arizona Multihousing Authority, Arizona Community Action Association,  
Southern Arizona Legal Aid

**Primary Contact:** Director, Pima County Community Workforce & Development  
Department

**Name:** Dan Sullivan  
**Phone:** 520.724.7309  
**E-mail:** [Daniel.Sullivan@pima.gov](mailto:Daniel.Sullivan@pima.gov)

# Attachment 3 C

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**Submitting County:** Pima County

**Background:** Over the years, legislation has been enacted that limits the public health authority of a county to local public health officials can act quickly during a public health emergency.

**Recommended Solution:** To promote and support legislation that restores authority and protects the remaining public health authority in the state while assuring that funding is provided as necessary to carry out this essential function.

**Other Potential Remedies:**

**Fiscal Impact:** There is no anticipated general fund impact associated with this proposal.

**Stakeholders:** County Health Departments, Arizona Public Health Association

**Primary Contact:** Pima County Health Department

**Name:** Theresa Cullen, MD, MS

**Phone:** 520.724.7765

**E-mail:** Theresa.Cullen@pima.gov

# Attachment 3 D



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**Submitting County:** Pima County

**Background:** Pre-Exposure Prophylaxis (PrEP) is a drug taken as a pill or regular injection which significantly reduces the risk of HIV infection. When taken as prescribed, PrEP reduces the risk of getting HIV from sex by 99% and injection drug use by at least 74%. Currently, two daily PrEP pills are approved for use in the United States. Significant barriers exist that prevent easy access to PrEP. The Department of Health and Human Services has identified improving access to PrEP as a priority in the national strategic plan to end the HIC epidemic.

**Recommended Solution:** Pharmacists are uniquely positioned to improve access to PrEP. Most Americans see their pharmacist 12 times more often than they see a primary care physician; 9% live within five miles of a pharmacy. Writing PrEP prescriptions does not currently fall within the scope of practice of pharmacists in Arizona, but the Arizona Legislature can enact this change.

Amend A.R.S. Title 32, Chapter 18 governing the practice of pharmacy in the State of Arizona to:

- Modify scope of practice laws to permit PrEP prescriptions to be written and filled by pharmacists;
- Require pharmacists to complete continuing education on PrEP in order to be authorized to prescribe it;
- Require pharmacists to verify a negative HIV test prior to prescribing PrEP, and every 3 months thereafter as required by the CDC;
- Limit prescription duration to 90 days to comply with testing requirement; and
- Require pharmacists to counsel patients on PrEP usage, drug facts, side effects, and other preventative measures against sexually transmitted infections.

**Other Potential Remedies:**

**Fiscal Impact:** There is no anticipated general fund impact associated with this proposal.

**Stakeholders:** HIV prevention groups

**Primary Contact:** Pima County Health Department

**Name:** Theresa Cullen, MD, MS

**Phone:** 520.724.7765

**E-mail:** Theresa.Cullen@pima.gov

# Attachment 3 E

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**Submitting County:** Pima County

**Background:** The United States is in the midst of an opioid epidemic made more urgent by the emergence of illicitly manufactured fentanyl. Over the last few years, the U.S. had an unprecedented increase in drug overdose deaths. A 2021 Centers for Disease Control and Prevention (CDC) study found a 15% increase in overdose related deaths from the prior year, with 66% of these being caused by synthetic opioids (CDC, 2022). Each day in Arizona more than five people die from opioid overdoses (Mendoza, 2023).

Naloxone (Narcan) has saved and continues to save lives. Naloxone, an opioid antagonist, works by reversing an opioid overdose and can quickly restore breathing. Naloxone is a cost-effective, accessible, easily administered option for laypeople, clinicians, and first responders. Naloxone may be administered by a bystander with minimal or no training (Krieter et al., 2016). In March 2023, Narcan (generic name naloxone) received U.S. Food and Drug Administration (FDA) approval for over-the-counter distribution (FDA, 2023).

Naloxone is beneficial and should be readily accessible for anyone who misuses opiates, is prescribed opiates for pain management, or knows someone who is. The Department of Health and Human Services and the Surgeon General support increasing naloxone access. With the increased potency of synthetic opioids such as fentanyl, one dose of naloxone may no longer suffice and multiple doses may be needed (Moss, et al., 2019).

One barrier to prescription naloxone access for the drug using population is cost (Spivey et al., 2020). Cost is especially a barrier to racial and ethnic minorities (Madden et al., 2020). Among those with opioid use disorders, 20% of the population is uninsured (Peet et al., 2022). Cost should not prevent the ability to reverse an overdose, community naloxone distribution has been studied and shown to be a cost-effective intervention (Cherrier et al., 2022).

Expanding and protecting access to naloxone saves lives. A bystander with naloxone can quickly administer it, stabilizing someone until EMS arrives. According to one study,

**Recommended Solution:** It is imperative that legislative efforts continue to expand access to and reduce cost of naloxone. Free supply at multiple, easy access points will foster and encourage widespread acceptance of naloxone use.

- A. Support legislation to enhance distribution and use of naloxone by increasing availability, reducing costs to allow for the free supply of naloxone to the community and provide clarity regarding rules governing the distribution of naloxone take-home kits to minors (12 and older) in school-based settings.
- B. Modify as needed A.R.S. § 36-2267. Administration of opioid antagonist; exemption from civil liability; definition and 15-344. Administration of prescription, patent or proprietary medications by employees; civil immunity; definition.

**Other Potential Remedies:**

**Fiscal Impact:** There is no anticipated general fund impact associated with this proposal.

**Stakeholders:** Harm Reduction Groups. First Responders.

**Primary Contact:** Pima County Health Department

**Name:** Theresa Cullen, MD, MS  
**Phone:** 520.724.7765  
**E-mail:** Theresa.Cullen@pima.gov

# Attachment 3 F

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**Submitting County:** Pima County

**Background:** This proposal would appropriate State General Funding to maintain Department of Economic Security (DES) Childcare Subsidy Reimbursement Rates at the cost of providing quality childcare.

For the State Fiscal Year 2024-25 budget, the Legislature and Governor should appropriate sufficient general funds for the purposes of maintaining DES administered childcare subsidy reimbursements to childcare providers for low-income working parents and foster children at rates that continue to meet the cost of providing quality childcare. Specific forecasts for the funding needed to maintain these rates will be available on September 1 after DES submits budget proposals to the Governor's office and the Joint Legislative Budget Committee (JLBC). That said, with federal pandemic relief funds ending, it is reasonable to assume that the \$85 million in State General Funding that was cut in 2008 and never restored is the minimum needed to help maintain rates at current enrollment.

Until 2009 and the start of the Great Recession, 43 percent of funding for Arizona DES administered childcare subsidies came from the State General Fund, which was approximately \$85 million in 2008. During the Great Recession, the State dropped that to \$7 million (or 5%) and never restored the funding. As a result, almost all funding for DES childcare subsidies is from Federal funds. Prior to the COVID-19 pandemic, the majority of funding spent by the State on childcare subsidies (reimbursements to eligible childcare providers) for low-income working families (DES) and foster children (DCS) was allocated annually to the State in the form of a Federal Child Care development Block Grant (approx. \$125 million annually). This continued disinvestment by the State contributed to Arizona losing the \$20 million Preschool Development Grant because the State could not demonstrate it had dedicated sufficient funds to childcare and early education purposes. The National Institute for Early Education Research ranks Arizona 39 among all states when it comes to state spending on 3-5 year olds enrolled in quality centers-based programs.

Since 2009, First Things First (FTF), a state agency created by voters, has been spending tobacco funding on scholarships for children ages 0-5 from income eligible families to attend high quality preschool and child care programs at FTF quality first child care/preschool providers. The amount spent on scholarships in recent years has been approximately \$34 million to \$42 million a year, but is declining due to declining tobacco revenues.

Federal funding for childcare subsidies increased significantly during the pandemic, which enabled the State to increase childcare subsidy reimbursement rates substantially. DES has also been funding increased reimbursement rates for FTF scholarships. These higher rates provide financial support to cover a large portion of the cost of childcare, securing childcare

assistance for income-eligible working families and foster children, and further closing the cost gap between the childcare subsidy and higher quality care.

Even with this pandemic recovery funding, Arizona still has significant gaps in the childcare network. The Bipartisan Policy Center estimates for Arizona's 300,000 children age 5 and under who have working parents, there is a lack of childcare facility capacity for 75,000 or 25%. For Pima County, the gap is estimated at 17% and for Tucson, 22%. The Economic Policy Institute estimates that infant care in Arizona costs families approximately \$10,948 annually, which equates to almost 4% higher than tuition for an in-state student at a four-year public university. Care for a preschool aged child costs families approximately \$8,500 annually.

Pandemic recovery funding runs out at the end of this fiscal year, and there is no long term commitment by the State to increase State General Funding for childcare subsidies to even pre-Great Recession levels, which is still substantially less than what is needed.

Pima County, at the direction of the Board of Supervisors in early 2021, created the Pima Early Education Program (PEEP), which funds scholarships for preschool age children (3-5 years old) from income eligible families, at a cost of approximately \$10 million a year. The City of Tucson and towns of Marana and Oro Valley also contribute funds to the program, along with contributions from the private sector. While the County has initially funded this program with Federal pandemic recovery funds, Pima County's Library District will fund this program in the long term through the District's property tax levy.

In FY2023, PEEPs served over 1,300 children at over 180 public and private centers and home-based locations that are either nationally accredited or participating in the State of Arizona's quality improvement and rating system. Approximately 38 percent of the annual need for quality preschool in Pima County is being met through PEEPs, DES childcare subsidies, FTF scholarships, and Head Start. Through PEEPs and the pandemic recovery funding allocated to the State of Arizona, the number of DES childcare providers with a quality 3 to 5 star rating has increased from 110 providers to 179 providers. One of PEEPs guiding principles is to advocate for a long-term statewide solution. The PEEPs program will be much less effective if statewide funding for preschool and childcare decreases dramatically next fiscal year.

**Recommended Solution:** The appropriation of sufficient general funds in the Fiscal Year 2024-25 budget for the purposes of maintaining Department of Economic Security (DES) childcare subsidy reimbursements to childcare providers for low-income working parents and foster children at rates that meet the cost of providing quality childcare.

This relates directly to the PEEPs guiding principle of advocating with partners for a long-term statewide solution.

Quality early childcare and education is one of the most frequently recommended evidence-based strategies for reducing intergenerational poverty in the United States. Numerous longitudinal studies show that investing in quality early childcare and education, especially for children who are economically disadvantaged, minority and dual language learners, provides short-term and lasting benefits to children, families, schools, employers, taxpayers, and the community.

Every dollar invested in quality birth to age five childcare and education is estimated to generate returns of over \$6 (13% per year per child per annual ROI) as a result of increased incomes at adulthood for children in these programs as well as increase incomes for working parents, increased high school and college graduation rates, improved health, and reduced involvement in crime. In addition, the return on investment for these programs has been found to be substantially higher than for other forms of government social service spending.



### **Other Potential Remedies:**

**Fiscal Impact:** By disinvesting in DES childcare subsidies, the State has been shifting costs long term to counties in the form of higher expenses for County programs that assist low-income families and children, childcare expenses for those in County workforce development and job training programs, public health programs for low-income families and children, and costs associated with law enforcement and jail. For the month of June 2023, 5,365 children age birth through 5 were authorized to use DES child care subsidies in Pima County.

**Stakeholders:** Likely supporters of this legislation include those who have endorsed the PEEPs program including but not limited to school districts in Pima County, El Rio, Tucson Medical Center, United Way of Tucson and Southern Arizona, Southern Arizona Leadership Council, The Preschool Promise, Arizona Mayors Education Roundtable, Arizona Early Childhood Alliance, Children's Action Alliance, Children & Family Resources, Arizona Head Start, Child-Parent Centers, Inc., Arizona Association for the Education of Young Children, Southern Arizona Association for the Education of Young Children, Tucson Values Teachers, YWCA, Community Foundations of Southern Arizona, Tucson Metro Chamber, Central Arizona College, Pima Community College, First Things First, Education Forward Arizona, Stand for Children, Make Way for Books, Read on AZ, and Southwest Human Development.

### **Primary Contact:** Pima County

**Name:** Nicole Fyffe, Senior Advisor  
**Phone:** 520.724.8149  
**E-mail:** Nicole.Fyffe@pima.gov

# Attachment 4 A

**2024 Legislative Policy Proposal Form**  
**19<sup>th</sup> Annual CSA Legislative Summit**  
**Hosted by Coconino County**  
**October 11, 2023 – October 13, 2023**  
**Proposals due Monday August 7, 2023**

**Proposal Form Overview:** *The proposal form provides Arizona county supervisors and professional staff an opportunity to propose legislative solutions to improve efficient, responsive delivery of county government services. Prior to submitting the proposal, please seek approval by the majority of the county board of supervisors.*

**Submitting County:** Pima County

**Background:** A.R.S. § 4041(F) contains a cap of one hundred dollars per hour for capital postconviction representation that has been in place since 1998. That amount is now substantially below the market rate for capital representation and is limiting the supply of qualified practitioners in this field. It is also arguably unconstitutional and potentially in violation of federal laws regarding the mechanism for the appointment of counsel in postconviction capital proceedings. In administrative Order No. 2007-92, the Arizona Supreme Court established the Capital Case Oversight Committee in 2007 to “study and recommend measures to facilitate capital case reduction efforts.” That Oversight Committee continued with recommendations in progress reports through 2018. Addressing pay limitations was a consistent theme. The last progress report specifically requested that the language be changed from, “not more than one hundred dollars per hour,” to “not less than one hundred dollars per hour,” to provide a flexible solution. The rate of one hundred dollars per hour has been in place since 1998.

Public Defense Services amended virtually all of the Office of Court Appointed Counsel contracts effective July 1, 2021 including the capital postconviction contract. That contract increased the rate for first chair capital postconviction representation to \$140 per hour and to \$125 per hour for second chair. This increase was necessary given the rates for capital trial and appellate representation and required to be able to be able to retain qualified counsel. This increase was also done without knowledge of the restrictions in A.R.S. § 4041(F).

**Recommended Solution:** Eliminating or changing the language in A.R.S. § 4041(F) would permit counties to increase the rate for capital postconviction representation to reflect market conditions and would ensure that quality counsel is available to provide due process in cases where the lives of defendants are at stake.

A.R.S. § 13-4041(F) states, “Unless counsel is employed by a publicly funded office, counsel appointed to represent a capital defendant in state postconviction relief proceedings shall be paid an hourly rate of not to exceed one hundred dollars per hour.” This language should either be stricken entirely, or modified to, “Unless counsel is employed by a publicly funded office, counsel appointed to represent a capital defendant in state postconviction relief proceedings shall be compensated in an amount the court in its discretion deems reasonable, considering the services performed.”

## **Other Potential Remedies:**

**Fiscal Impact:** Given the oversight in the restrictions contained in A.R.S. § 4041(F) and the increased rate of the Office of Court Appointed Counsel capital postconviction contract, the fiscal impact to Pima County would be zero. If this statute is not amended and the contracts require amendment, the cost to the county could be substantial as Pima County has four pending capital cases in postconviction proceedings. Should counsel withdraw from those cases, obtaining new counsel would be difficult and expensive given the work necessary for new counsel to review the case. Pima County has four cases that have pending capital post-conviction proceedings, both with a first and second chair. Based on billing to date repeating the work done by the assigned attorneys would cost between at least \$50,000 up to approximately \$290,000 per attorney should any of the attorneys object to the reduction of their contracted rate and refuse to continue providing representation.

**Stakeholders:** Maricopa County Public Defense Services is in support of this change.

**Primary Contact:** Public Defense Services

**Name:** Dean Brault  
**Phone:** 520.724.6967  
**E-mail:** Dean.Brault@pima.gov

# Attachment 4 B

**2024 Legislative Policy Proposal Form**  
**19<sup>th</sup> Annual CSA Legislative Summit**  
**Hosted by Coconino County**  
**October 11, 2023 – October 13, 2023**  
**Proposals due Monday August 7, 2023**

**Proposal Form Overview:** *The proposal form provides Arizona county supervisors and professional staff an opportunity to propose legislative solutions to improve efficient, responsive delivery of county government services. Prior to submitting the proposal, please seek approval by the majority of the county board of supervisors.*

**Submitting County:** Pima County

**Background:** Severe Threat Orders of Protection, also known as “red flag laws” and “extreme risk orders of protection,” are a way to stop mass shootings and other gun-related tragedies by temporarily intervening to suspend a person’s access to firearms if they show clear warning signs of violence. The Federal Bureau Investigation reports that the average mass-shooter displays four to five observable and concerning behaviors before their attacks. However, Arizona residents who observe these warning signs have no clear means of intervening to prevent this violence until it is too late.

**Recommended Solution:** A red flag law would create a process to allow families, household members, certain key community members, or law enforcement to petition a court directly for an order of protection, which temporarily restricts a person’s access to guns if they are found to present a significant risk of harming themselves or others.

Passage of language such as that offered in HB 2184 (attached), which was proposed in 2023 would positively address this critical issue.

**Other Potential Remedies:**

**Fiscal Impact:**

**Stakeholders:** Moms Demand Action; Everytown; Time’s Up.

**Primary Contact:** *Pima County Attorney’s Office*

**Name:** Sam Brown

**Phone:** 520.724.5600

**E-mail:** Sam.Brown@pcao.pima.gov

REFERENCE TITLE: **severe threat order of protection**

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# **HB 2184**

Introduced by  
Representatives Longdon: Gutierrez, Hernandez A, Schwiebert, Seaman, Stahl  
Hamilton, Terech, Travers, Senator Alston

## **AN ACT**

**AMENDING SECTIONS 8-202 AND 8-208, ARIZONA REVISED STATUTES; AMENDING  
TITLE 12, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5;  
AMENDING SECTIONS 13-2703 AND 13-3101, ARIZONA REVISED STATUTES; RELATING  
TO ORDERS OF PROTECTION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to  
3 read:

4 8-202. Jurisdiction of juvenile court

5 A. The juvenile court has original jurisdiction over all  
6 delinquency proceedings brought under the authority of this title.

7 B. The juvenile court has exclusive original jurisdiction over all  
8 proceedings:

9 1. Brought under the authority of this title except for delinquency  
10 proceedings.

11 2. IN WHICH THE RESPONDENT TO A REQUEST FOR A SEVERE THREAT ORDER  
12 OF PROTECTION IS UNDER EIGHTEEN YEARS OF AGE.

13 C. The juvenile court may consolidate any matter, except that the  
14 juvenile court shall not consolidate any of the following:

15 1. A criminal proceeding that is filed in another division of  
16 superior court and that involves a child who is subject to the  
17 jurisdiction of the juvenile court.

18 2. A delinquency proceeding with any other proceeding that does not  
19 involve delinquency, unless the juvenile delinquency adjudication  
20 proceeding is not heard at the same time or in the same hearing as a  
21 nondelinquency proceeding.

22 D. The juvenile court has jurisdiction of proceedings to:

23 1. Obtain judicial consent to the marriage, employment or  
24 enlistment in the armed services of a child, if consent is required by  
25 law.

26 2. In an action in which parental rights are terminated pursuant to  
27 chapter 4, article 5 or 11 of this title, change the name of a minor child  
28 who is the subject of the action. If the minor child who is the subject  
29 of the action is twelve years of age or older, the court shall consider  
30 the wishes of the child with respect to the name change.

31 E. The juvenile court has jurisdiction over civil traffic  
32 violations, civil marijuana violations and offenses listed in section  
33 8-323, subsection B that are committed within the county by persons who  
34 are under eighteen years of age unless the presiding judge of the county  
35 declines jurisdiction of these cases. The presiding judge of the county  
36 may decline jurisdiction of civil traffic violations and civil marijuana  
37 violations committed within the county by juveniles if the presiding judge  
38 finds that the declination would promote the more efficient use of limited  
39 judicial and law enforcement resources located within the county. If the  
40 presiding judge declines jurisdiction, juvenile civil traffic violations  
41 and civil marijuana violations shall be processed, heard and disposed of  
42 in the same manner and with the same penalties as adult civil traffic  
43 violations.



1 F. The orders of the juvenile court under the authority of this  
2 chapter or chapter 3 or 4 of this title take precedence over any order of  
3 any other court of this state except for the following:

4 1. An order entered in the criminal court concerning an ongoing  
5 case that governs a criminal defendant's ability to contact the victim,  
6 the family of the victim or other minor children if the criminal court  
7 makes a finding that contact with other minor children would pose a risk  
8 of harm to those children.

9 2. ~~An order~~ ORDERS by the court of appeals and the supreme court to  
10 the extent they are inconsistent with orders of other courts.

11 G. Except as provided in subsection H of this section, jurisdiction  
12 of a child that is obtained by the juvenile court in a proceeding under  
13 this chapter or chapter 3 or 4 of this title shall be retained by it, for  
14 the purposes of implementing the orders made and filed in that proceeding,  
15 until the child becomes eighteen years of age, unless terminated by order  
16 of the court before the child's eighteenth birthday.

17 H. At any time before an adjudication hearing or a proceeding in  
18 which a juvenile is admitting to an allegation in a petition that alleges  
19 the juvenile is delinquent, the state may file a notice of intent to  
20 retain jurisdiction over a juvenile who is seventeen years of age. If the  
21 state files a notice of intent to retain jurisdiction, the juvenile  
22 court's jurisdiction over a juvenile is retained on the filing of the  
23 notice and the court shall retain jurisdiction over the juvenile until the  
24 juvenile reaches nineteen years of age, unless before the juvenile's  
25 nineteenth birthday either:

26 1. Jurisdiction is terminated by order of the court.

27 2. The juvenile is discharged from the jurisdiction of the  
28 department of juvenile corrections pursuant to section 41-2820.

29 I. Persons who are under eighteen years of age shall be prosecuted  
30 in the same manner as adults if either:

31 1. The juvenile court transfers jurisdiction pursuant to section  
32 8-327.

33 2. The juvenile is charged as an adult with an offense listed in  
34 section 13-501.

35 J. The juvenile court shall retain jurisdiction after a juvenile's  
36 eighteenth birthday for the purpose of:

37 1. Designating an undesignated felony offense as a misdemeanor or  
38 felony, including after an adjudication is set aside pursuant to section  
39 8-348.

40 2. Modifying an outstanding monetary obligation imposed by the  
41 court except for victim restitution.

42 3. Implementing section 36-2862.

43 K. The juvenile court has jurisdiction to make the initial  
44 determination prescribed in section 8-829 whether the voluntary  
45 participation of a qualified young adult in an extended foster care

1 program pursuant to section 8-521.02 is in the young adult's best  
2 interests.

3 Sec. 2. Section 8-208, Arizona Revised Statutes, is amended to  
4 read:

5 8-208. Juvenile court records; public inspection; exceptions

6 A. The following records relating to a juvenile who is referred to  
7 juvenile court are open to public inspection:

8 1. Referrals involving delinquent acts, after the referrals have  
9 been made to the juvenile court or the county attorney has diverted the  
10 matter according to section 8-321.

11 2. Arrest records, after the juvenile is an accused as defined by  
12 section 13-501.

13 3. Delinquency hearings.

14 4. Disposition hearings.

15 5. A summary of delinquency, disposition and transfer hearings.

16 6. Revocation of probation hearings.

17 7. Appellate review.

18 8. Diversion proceedings involving delinquent acts.

19 B. On the request of an adult probation officer or state or local  
20 prosecutor, the juvenile court shall release to an adult probation  
21 department or prosecutor all information in its possession concerning a  
22 person who is charged with a criminal offense.

23 C. The juvenile court shall release all information in its  
24 possession concerning a person who is arrested for a criminal offense to  
25 superior court programs or departments, other court divisions or judges or  
26 as authorized by the superior court for the purpose of assisting in the  
27 determination of release from custody, bond and pretrial supervision.

28 D. On request by the appropriate jail authorities for the purpose  
29 of determining classification, treatment and security, the juvenile court  
30 shall release all information in its possession concerning persons who are  
31 under eighteen years of age, who have been transferred from juvenile court  
32 for criminal prosecution and who are being held in a county jail pending  
33 trial.

34 E. The court shall edit the records to protect the identity of the  
35 victim or the immediate family of the victim if the victim has died as a  
36 result of the alleged offense.

37 F. Except as otherwise provided by law, the records of an adoption,  
38 severance or dependency proceeding shall not be open to public inspection.

39 G. The court may order that the records be kept confidential and  
40 withheld from public inspection if the court determines that the subject  
41 matter of any record involves a clear public interest in confidentiality.

42 H. The disclosure of educational records received pursuant to  
43 section 15-141 shall comply with the family educational RIGHTS and privacy  
44 ~~rights~~ act of 1974 (20 United States Code section 1232g).

1 I. A PETITION FOR A SEVERE THREAT ORDER OF PROTECTION AND THE ORDER  
2 ISSUED MAY BE DISCLOSED ONLY IF THE COURT ISSUES THE SEVERE THREAT ORDER  
3 OF PROTECTION. AFTER A SHOWING OF THE NEED FOR THE INFORMATION AND THAT  
4 APPROPRIATE MEASURES WILL BE TAKEN TO LIMIT FURTHER DISCLOSURE OF THE  
5 INFORMATION, THE PETITION AND THE ORDER MAY BE PROVIDED ONLY TO THE PARENT  
6 OR LEGAL GUARDIAN OF THE MINOR RESPONDENT, LAW ENFORCEMENT, A JUVENILE  
7 PROBATION OFFICER, A BEHAVIORAL HEALTH PROFESSIONAL, A SCHOOL OR SCHOOL  
8 DISTRICT THAT THE MINOR RESPONDENT IS ATTENDING OR HAS ATTENDED IN THE  
9 YEAR PRECEDING THE DATE OF THE ORDER AND A PERSON WHO HAS BEEN THE NAMED  
10 TARGET OF THREATS OR ACTS COMMITTED BY THE MINOR RESPONDENT.

11 Sec. 3. Title 12, chapter 10, Arizona Revised Statutes, is amended  
12 by adding article 5, to read:

13 ARTICLE 5. SEVERE THREAT ORDER OF PROTECTION

14 12-1881. Definitions

15 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 1. "CRUEL MISTREATMENT OF AN ANIMAL":

17 (a) MEANS TO TORTURE OR OTHERWISE INFLICT UNNECESSARY SERIOUS  
18 PHYSICAL INJURY ON OR DEATH TO AN ANIMAL OR TO KILL AN ANIMAL IN A MANNER  
19 THAT CAUSES PROTRACTED SUFFERING TO THE ANIMAL.

20 (b) DOES NOT INCLUDE ACTIVITIES THAT ARE REGULATED BY THE ARIZONA  
21 GAME AND FISH DEPARTMENT OR THE ARIZONA DEPARTMENT OF AGRICULTURE.

22 2. "FAMILY MEMBER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A SPOUSE,  
23 CHILD, STEPCHILD, PARENT, STEPPARENT, SIBLING, GRANDCHILD OR GRANDPARENT  
24 OF THE INDIVIDUAL, A PERSON WITH WHOM THE INDIVIDUAL SHARES A CHILD IN  
25 COMMON OR THE LEGAL GUARDIAN OF THE INDIVIDUAL.

26 3. "FIREARM" INCLUDES AMMUNITION FOR A FIREARM.

27 4. "HOUSEHOLD MEMBER" MEANS WITH RESPECT TO AN INDIVIDUAL, A PERSON  
28 WHO COHABITATES OR HAS COHABITATED WITH THE INDIVIDUAL WITHIN THE PREVIOUS  
29 YEAR.

30 5. "PETITIONER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF  
31 AGE AND WHO IS A FAMILY MEMBER, HOUSEHOLD MEMBER, SIGNIFICANT OTHER,  
32 PROBATION OFFICER, BEHAVIORAL HEALTH PROFESSIONAL OR PEACE OFFICER.

33 6. "RESPONSIBLE CUSTODIAN" MEANS A PERSON WHO MAY LAWFULLY POSSESS  
34 A FIREARM, WHO DOES NOT COHABITATE WITH A PERSON WHO IS SUBJECT TO A  
35 SEVERE THREAT ORDER OF PROTECTION AND WHO IS APPROVED BY A COURT TO TAKE  
36 POSSESSION OF A FIREARM THAT IS SURRENDERED BY A PERSON WHO IS SUBJECT TO  
37 A SEVERE THREAT ORDER OF PROTECTION.

38 7. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN  
39 SECTION 13-105.

40 8. "SIGNIFICANT OTHER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A  
41 PERSON WITH WHOM THE INDIVIDUAL HAS BEEN INVOLVED IN A SUBSTANTIAL AND  
42 ONGOING ROMANTIC RELATIONSHIP WITHIN THE PREVIOUS YEAR.

12-1882. Severe threat order of protection; ex parte temporary severe threat order of protection; requirements; service; request for hearing; notice; law enforcement notification; civil liability

A. A PETITIONER MAY FILE A VERIFIED PETITION IN THE SUPERIOR COURT OR A MUNICIPAL COURT REQUESTING THE COURT TO ISSUE A SEVERE THREAT ORDER OF PROTECTION. AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION PROHIBIT A RESPONDENT FROM POSSESSING A FIREARM BASED ON THE RESPONDENT'S MAKING A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY OR COMMITTING OR ATTEMPTING TO COMMIT AN ACT OF VIOLENCE THAT RESULTED IN OR WAS INTENDED TO RESULT IN DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS OR CRUEL MISTREATMENT OF AN ANIMAL.

B. THE PETITION FOR A SEVERE THREAT ORDER OF PROTECTION MUST INCLUDE ALL OF THE FOLLOWING:

1. THE PETITIONER'S NAME. THE PETITIONER'S ADDRESS SHALL BE DISCLOSED TO THE COURT FOR PURPOSES OF SERVICE. IF THE ADDRESS OF THE PETITIONER IS UNKNOWN TO THE RESPONDENT, THE PETITIONER MAY REQUEST THAT THE ADDRESS BE PROTECTED. ON THE PETITIONER'S REQUEST, THE ADDRESS SHALL NOT BE LISTED ON THE PETITION. WHETHER OR NOT THE COURT ISSUES A SEVERE THREAT ORDER OF PROTECTION, THE PROTECTED ADDRESS SHALL BE MAINTAINED IN A SEPARATE DOCUMENT OR ELECTRONICALLY AND IS NOT SUBJECT TO RELEASE OR DISCLOSURE BY THE COURT OR TO ANY FORM OF PUBLIC ACCESS EXCEPT AS ORDERED BY THE COURT.

2. THE RESPONDENT'S NAME AND ADDRESS, IF KNOWN, OR, IF THE RESPONDENT IS BELIEVED TO BE HOMELESS, THE CROSS STREETS OF THE AREA WHERE THE RESPONDENT MAY BE LOCATED.

3. A SPECIFIC STATEMENT, INCLUDING DATES, LOCATIONS AND APPROXIMATE TIMES, OF ANY OF THE FOLLOWING ACTS:

(a) A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY, AN ACT OF VIOLENCE THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY OR AN ATTEMPTED ACT OF VIOLENCE THAT WAS INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY AGAINST SELF OR OTHERS OR CRUEL MISTREATMENT OF AN ANIMAL THAT OCCURRED WITHIN THE PRECEDING SIX MONTHS.

(b) A SPECIFIC BEHAVIOR OR ACT THAT JUSTIFIES THE REASONABLE BELIEF THAT THE RESPONDENT IS A DANGER TO SELF OR OTHERS.

4. THE RELATIONSHIP BETWEEN THE PARTIES AND WHETHER THERE IS OR HAS BEEN A SEVERE THREAT ORDER OF PROTECTION, A DOMESTIC VIOLENCE ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR AN INJUNCTION AGAINST WORKPLACE HARASSMENT IN PLACE BETWEEN THE PARTIES.

5. WHETHER THE PETITIONER KNOWS IF THE RESPONDENT IS CURRENTLY OR WAS PREVIOUSLY THE SUBJECT OF A SEVERE THREAT ORDER OF PROTECTION, A DOMESTIC VIOLENCE ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR AN INJUNCTION AGAINST WORKPLACE HARASSMENT.

1           6. THE NAME OF THE COURT IN WHICH ANY PREVIOUS OR PENDING  
2 PROCEEDING OR ORDER WAS SOUGHT OR ISSUED CONCERNING THE RESPONDENT OR OF  
3 WHICH THE PETITIONER IS AWARE.

4           7. A STATEMENT THAT, BASED ON THE INFORMATION REQUIRED IN THE  
5 PETITION, THE PETITIONER REASONABLY BELIEVES A SEVERE THREAT ORDER OF  
6 PROTECTION IS NECESSARY BECAUSE THE RESPONDENT POSES A SIGNIFICANT DANGER  
7 OF IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS.

8           C. THE COURT SHALL REVIEW THE PETITION, ANY OTHER PLEADINGS ON FILE  
9 AND ANY EVIDENCE OFFERED BY THE PETITIONER, INCLUDING ANY EVIDENCE OF:

10           1. A RECENT CREDIBLE THREAT TO CAUSE DEATH OR SERIOUS PHYSICAL  
11 INJURY OR AN ACT OR ATTEMPTED ACT CAUSING DEATH OR SERIOUS PHYSICAL INJURY  
12 BY THE RESPONDENT AGAINST SELF OR OTHERS.

13           2. A PATTERN OF THREATS TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY  
14 OR ACTS OR ATTEMPTED ACTS CAUSING DEATH OR SERIOUS PHYSICAL INJURY BY THE  
15 RESPONDENT WITHIN THE PRECEDING SIX MONTHS. EVIDENCE THAT THE RESPONDENT  
16 HAS VIOLATED AN ORDER OF PROTECTION OR AN INJUNCTION AGAINST HARASSMENT  
17 MAY BE USED TO DEMONSTRATE A PATTERN FOR THE PURPOSES OF THIS PARAGRAPH.

18           3. THE RESPONDENT'S CRUEL MISTREATMENT OF AN ANIMAL.

19           4. KNOWN DANGEROUS MENTAL HEALTH ISSUES OF THE RESPONDENT.

20           5. THE RESPONDENT'S HAVING PREVIOUSLY BEEN SUBJECT TO OR CURRENTLY  
21 BEING SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION.

22           6. A CONVICTION FOR A VIOLENT CRIME COMMITTED BY THE RESPONDENT.

23           7. A CONVICTION FOR AN OFFENSE INVOLVING UNLAWFUL USE, THREATENING  
24 DISPLAY OR BRANDISHING OF A FIREARM BY THE RESPONDENT IN VIOLATION OF  
25 TITLE 13, CHAPTER 31 OR A CONVICTION FOR AN OFFENSE IN ANOTHER  
26 JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF TITLE  
27 13, CHAPTER 31.

28           8. THE RESPONDENT'S HISTORY OF USE, ATTEMPTED USE OR THREATENED USE  
29 OF PHYSICAL FORCE AGAINST ANOTHER PERSON OR STALKING ANOTHER PERSON.

30           9. THE RESPONDENT'S RECURRING ABUSE OF CONTROLLED SUBSTANCES OR  
31 ALCOHOL IF THE EVIDENCE DEMONSTRATES THAT THE ABUSE IS A CONTRIBUTING  
32 FACTOR TO THE RESPONDENT'S DANGEROUSNESS OR VIOLENCE.

33           D. THE COURT SHALL EITHER ISSUE AN EX PARTE TEMPORARY SEVERE THREAT  
34 ORDER OF PROTECTION ON THE DAY THE COURT RECEIVES THE PETITION OR THE DAY  
35 AFTER THE COURT RECEIVES THE PETITION, OR THE COURT MAY SCHEDULE A HEARING  
36 ON THE PETITION WITHIN FOURTEEN DAYS AFTER THE COURT RECEIVES THE PETITION  
37 AND PROVIDE NOTICE TO THE RESPONDENT OF THE HEARING DATE. THE COURT MAY  
38 ORDER A MENTAL HEALTH EVALUATION OF THE RESPONDENT AT NO COST TO THE  
39 RESPONDENT. THE EVALUATION AGENCY SHALL PROVIDE THE EVALUATION RESULTS TO  
40 THE COURT BEFORE THE HEARING DATE. THE COURT SHALL ISSUE AN EX PARTE  
41 TEMPORARY SEVERE THREAT ORDER OF PROTECTION IF THE COURT DETERMINES THAT,  
42 BASED ON THE FACTORS ENUMERATED IN THIS SECTION, THERE IS PROBABLE CAUSE  
43 TO BELIEVE THAT THE RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT,  
44 FOR THE SAFETY OF THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD NOT  
45 POSSESS A FIREARM FOR THE DURATION OF THE ORDER. AN EX PARTE TEMPORARY

1 SEVERE THREAT ORDER OF PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION  
2 REQUIRE THE RESPONDENT TO SURRENDER ALL FIREARMS THAT ARE OWNED OR  
3 POSSESSED BY THE RESPONDENT TO A SPECIFIC LAW ENFORCEMENT AGENCY.

4 E. THE COURT SHALL IMMEDIATELY TRANSMIT THE PETITION AND THE EX  
5 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR THE SEVERE THREAT  
6 ORDER OF PROTECTION TO THE COUNTY SHERIFF OR LOCAL LAW ENFORCEMENT AGENCY  
7 FOR THE JURISDICTION IN WHICH THE PERSON WHO IS SUBJECT TO THE ORDER  
8 RESIDES. THE PERSON WHO IS SUBJECT TO THE ORDER SHALL BE SERVED WITH A  
9 COPY OF THE PETITION AND THE EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
10 PROTECTION. THE RETURN OF SERVICE MUST BE FILED WITHIN TWENTY-FOUR HOURS  
11 AFTER SERVICE WITH THE CLERK OF THE ISSUING COURT.

12 F. AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION EXPIRES  
13 IN FOURTEEN DAYS. THE COURT SHALL HOLD A HEARING WITHIN FOURTEEN DAYS  
14 EITHER AFTER ISSUING AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
15 PROTECTION OR RECEIVING THE PETITION IF THE COURT DID NOT ISSUE AN EX  
16 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION.

17 G. AT THE HEARING, THE RESPONDENT MAY PRESENT EVIDENCE AND, IF A  
18 MENTAL HEALTH EVALUATION WAS CONDUCTED, THE COURT SHALL CONSIDER THE  
19 EVALUATION RESULTS. THE COURT SHALL ISSUE A SEVERE THREAT ORDER OF  
20 PROTECTION IF THE COURT DETERMINES AFTER THE HEARING THAT, BASED ON THE  
21 FACTORS ENUMERATED IN THIS SECTION, CLEAR AND CONVINCING EVIDENCE EXISTS  
22 TO BELIEVE THE RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT, FOR  
23 THE SAFETY OF THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD NOT POSSESS  
24 A FIREARM FOR THE DURATION OF THE ORDER. A SEVERE THREAT ORDER OF  
25 PROTECTION EXPIRES ONE YEAR AFTER THE DATE THE ORDER IS SERVED ON THE  
26 RESPONDENT.

27 H. THE RESPONDENT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
28 PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION MAY CONSULT AN ATTORNEY  
29 BEFORE A HEARING IS CONDUCTED PURSUANT TO THIS SECTION AND MAY HAVE AN  
30 ATTORNEY PRESENT AT ANY HEARING HELD PURSUANT TO THIS ARTICLE. IF THE  
31 PERSON WHO IS SUBJECT TO THE ORDER IS A MINOR, THE PARENT OR LEGAL  
32 GUARDIAN OF THE MINOR SHALL BE IMMEDIATELY NOTIFIED THAT THE MINOR MAY  
33 CONSULT AND HAVE AN ATTORNEY PRESENT AT ANY HEARING THAT IS HELD PURSUANT  
34 TO THIS ARTICLE. IF THE RESPONDENT IS A MINOR, THE MINOR SHALL BE  
35 APPOINTED A GUARDIAN AD LITEM FOR THE PENDENCY OF THE PROCEEDINGS.

36 I. WITHIN NINETY DAYS AFTER A SEVERE THREAT ORDER OF PROTECTION IS  
37 ISSUED, THE RESPONDENT WHO IS SUBJECT TO THE ORDER IS ENTITLED TO ONE  
38 HEARING ON WRITTEN REQUEST IN ORDER TO QUASH THE ORDER. AT THE HEARING,  
39 THE RESPONDENT HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE  
40 THAT THE RESPONDENT NO LONGER POSES A DANGER TO SELF OR OTHERS. A FEE MAY  
41 NOT BE CHARGED FOR REQUESTING A HEARING. A HEARING THAT IS REQUESTED BY  
42 THE RESPONDENT WHO IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION SHALL  
43 BE HELD AT THE EARLIEST POSSIBLE TIME BUT NOT LATER THAN TEN DAYS AFTER  
44 THE DATE OF THE REQUEST UNLESS THE COURT FINDS GOOD CAUSE TO CONTINUE THE  
45 HEARING. AN ORDER THAT IS ISSUED PURSUANT TO THIS SECTION SHALL STATE

1 THAT THE RESPONDENT WHO IS SUBJECT TO THE ORDER IS ENTITLED TO A HEARING  
2 ON WRITTEN REQUEST AND THAT THE RESPONDENT MAY CONSULT WITH AND HAVE AN  
3 ATTORNEY PRESENT AT THE HEARING. THE ORDER SHALL INCLUDE THE NAME AND  
4 ADDRESS OF THE CLERK OF THE COURT WHERE THE REQUEST MAY BE FILED AND THE  
5 NAME OF THE JUDICIAL OFFICER WHO ISSUED THE ORDER.

6 J. WITHIN TWENTY-FOUR HOURS AFTER A COURT ISSUES AN EX PARTE  
7 TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF  
8 PROTECTION THE COURT MUST FORWARD A COPY OF THE ORDER AND PROOF OF  
9 SERVICE, IF APPLICABLE, TO THE SHERIFF'S OFFICE IN THE COUNTY IN WHICH THE  
10 ORDER WAS ISSUED FOR REGISTRATION BY THE SHERIFF IN A CENTRAL REPOSITORY.  
11 THE SHERIFF SHALL REGISTER THE ORDER WITH THE NATIONAL CRIME INFORMATION  
12 CENTER AND SHALL INDICATE ON THE FILE THAT THE RESPONDENT IS SUBJECT TO  
13 FIREARM RESTRICTIONS. EACH COUNTY SHERIFF SHALL MAINTAIN A CENTRAL  
14 REPOSITORY TO VERIFY THE EXISTENCE AND VALIDITY OF A SEVERE THREAT ORDER  
15 OF PROTECTION.

16 K. WITHIN TWENTY-FOUR HOURS AFTER A COURT MODIFIES, EXTENDS OR  
17 QUASHES AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A  
18 SEVERE THREAT ORDER OF PROTECTION, THE COURT SHALL SEND A WRITTEN ORDER  
19 THAT MODIFIES, EXTENDS OR QUASHES THE EX PARTE TEMPORARY SEVERE THREAT  
20 ORDER OF PROTECTION OR SEVERE THREAT ORDER OF PROTECTION TO THE SHERIFF IN  
21 THE COUNTY WHERE THE ORIGINAL ORDER WAS REGISTERED. THE SHERIFF SHALL  
22 ENSURE THAT THE NATIONAL CRIME INFORMATION CENTER IS UPDATED WITH THIS  
23 INFORMATION.

24 L. A PERSON WHO ACTS PURSUANT TO THIS ARTICLE IN GOOD FAITH ON  
25 EITHER ACTUAL KNOWLEDGE OR RELIABLE INFORMATION IS NOT SUBJECT TO CIVIL  
26 LIABILITY FOR THAT ACT.

27 M. IF THE COURT DOES NOT FIND THE PERSON WHO IS SUBJECT TO AN EX  
28 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION TO BE AN IMMEDIATE  
29 DANGER TO SELF OR OTHERS, THE COURT SHALL NOTIFY THE PETITIONER WITHIN  
30 TWENTY-FOUR HOURS AFTER THAT DETERMINATION IS MADE.

31 12-1883. Severe threat order of protection extension

32 A. WITHIN FORTY-FIVE DAYS BEFORE A SEVERE THREAT ORDER OF  
33 PROTECTION EXPIRES, A PETITIONER MAY FILE A VERIFIED PETITION IN THE  
34 SUPERIOR COURT OR A MUNICIPAL COURT REQUESTING THAT THE ORDER BE EXTENDED  
35 FOR ONE YEAR UNLESS THE PERSON WHO IS SUBJECT TO THE ORDER PROVIDES CLEAR  
36 AND CONVINCING EVIDENCE THAT THE PERSON IS NOT A DANGER TO SELF OR OTHERS  
37 BASED ON THE FACTORS PRESCRIBED IN SECTION 12-1882.

38 B. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE  
39 ORDER HAS FAILED TO APPEAR OR RESPOND TO A PETITION TO EXTEND A SEVERE  
40 THREAT ORDER OF PROTECTION AFTER BEING PERSONALLY SERVED AND GIVEN THE  
41 OPPORTUNITY FOR A HEARING ON THE REQUESTED EXTENSION AND UNLESS THE PERSON  
42 WHO IS SUBJECT TO THE ORDER HAS PROVIDED CLEAR AND CONVINCING EVIDENCE  
43 THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS NOT A DANGER TO SELF OR  
44 OTHERS BASED ON THE FACTORS PRESCRIBED IN SECTION 12-1882, THE COURT SHALL  
45 EXTEND THE SEVERE THREAT ORDER OF PROTECTION FOR ONE YEAR.

C. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS NOT A DANGER TO SELF OR OTHERS AFTER REVIEWING ANY EVALUATION RESULTS AND THE FACTORS PRESCRIBED IN SECTION 12-1882, THE COURT SHALL ALLOW THE SEVERE THREAT ORDER OF PROTECTION TO EXPIRE AND FOLLOW THE PROCEDURES PRESCRIBED IN SECTIONS 12-1882 AND 12-1885.

12-1884. Applicability to minors; juvenile court transfer

IF THE RESPONDENT TO A PETITION FOR A SEVERE THREAT ORDER OF PROTECTION IS A MINOR, THE PETITION SHALL BE TRANSFERRED TO THE JUVENILE COURT.

12-1885. Prohibited possession of a firearm; firearm seizure; violation; classification

A. A PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION MAY NOT POSSESS OR PURCHASE A FIREARM AFTER THE ORDER HAS BEEN SERVED. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 4 FELONY.

B. IF THE PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION IS A MINOR AND A PARENT, LEGAL GUARDIAN OR HOUSEHOLD MEMBER OWNS A FIREARM, THE PARENT OR LEGAL GUARDIAN SHALL ATTEST TO THE COURT UNDER OATH AS PART OF THE SEVERE THREAT ORDER OF PROTECTION PROCEEDINGS THAT THE FIREARM IS SECURED AND THAT THE MINOR WHO IS SUBJECT TO THE ORDER CANNOT ACCESS THE FIREARM.

C. A LAW ENFORCEMENT OFFICER WHO IS SERVING AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION MAY TAKE TEMPORARY CUSTODY OF ANY FIREARM THAT IS IN PLAIN SIGHT OR DISCOVERED PURSUANT TO A CONSENSUAL OR OTHER LAWFUL SEARCH AND THAT IS NECESSARY FOR THE PROTECTION OF THE LAW ENFORCEMENT OFFICER OR OTHER PERSONS PRESENT AS PROVIDED IN SECTION 13-3102, SUBSECTION L.

D. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT OFFICER SHALL PROVIDE THE OWNER OR POSSESSOR OF THE FIREARM WITH A RECEIPT FOR EACH SEIZED FIREARM. THE RECEIPT MUST INCLUDE THE IDENTIFICATION OR SERIAL NUMBER OR ANOTHER IDENTIFYING CHARACTERISTIC OF EACH SEIZED FIREARM. EACH SEIZED FIREARM SHALL BE HELD SAFELY AND WITHOUT BEING DAMAGED FOR THE DURATION OF THE SEVERE THREAT ORDER OF PROTECTION OR UNTIL THE FIREARM IS TRANSFERRED TO A RESPONSIBLE CUSTODIAN PURSUANT TO SUBSECTION F OF THIS SECTION. THE FIREARM MAY BE DISPOSED OF ONLY IN ACCORDANCE WITH SECTION 12-941.

E. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO THIS SECTION, THE PETITIONER SHALL BE NOTIFIED BY THE LAW ENFORCEMENT AGENCY THAT SEIZED THE FIREARM BEFORE THE FIREARM IS RELEASED.

F. IF A PERSON IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION, THE COURT SHALL ORDER THE PERSON TO TURN OVER ANY FIREARMS THAT ARE OWNED OR POSSESSED BY THE PERSON TO A LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE COURT OF THE PERSON'S COMPLIANCE WITH THIS



1 SUBSECTION WITHIN TWENTY-FOUR HOURS AFTER THE ORDER IS SERVED. AT ANY  
2 TIME AFTER THE LAW ENFORCEMENT AGENCY NOTIFIES THE COURT OF THE PERSON'S  
3 COMPLIANCE WITH THIS SUBSECTION, THE PERSON WHO IS SUBJECT TO THE ORDER  
4 MAY SUBMIT THE NAME OF A RESPONSIBLE CUSTODIAN TO THE COURT FOR APPROVAL.  
5 IF APPROVED BY THE COURT THE RESPONSIBLE CUSTODIAN SHALL TAKE POSSESSION  
6 OF THE PERSON'S FIREARMS AFTER PROVIDING THE LAW ENFORCEMENT AGENCY AN  
7 AFFIRMATION STATING THAT THE PERSON WHO IS SUBJECT TO THE ORDER WILL NOT  
8 HAVE ACCESS TO THE FIREARM FOR THE DURATION OF THE ORDER AND THAT THE  
9 FIREARM WILL BE SAFELY HELD AND NOT DAMAGED. IF A PERSON WHO IS SUBJECT  
10 TO A SEVERE THREAT ORDER OF PROTECTION DOES NOT OWN OR POSSESS A FIREARM,  
11 THE PERSON SHALL ATTEST TO THE COURT UNDER OATH WITHIN TWENTY-FOUR HOURS  
12 AFTER BEING SERVED WITH THE ORDER THAT THE PERSON DOES NOT OWN OR POSSESS  
13 A FIREARM.

14 G. A LAW ENFORCEMENT AGENCY OR RESPONSIBLE CUSTODIAN WHO KNOWINGLY  
15 OR NEGLIGENTLY FAILS TO MAINTAIN THE SURRENDERED FIREARM IN THE SAME  
16 CONDITION THAT THE FIREARM WAS IN WHEN SURRENDERED IS LIABLE FOR ANY  
17 DAMAGES TO THE FIREARM.

18 H. IF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
19 PROTECTION DOES NOT SUBMIT EVIDENCE OF THE PERSON'S COMPLIANCE WITH  
20 SUBSECTION F OF THIS SECTION TO A LAW ENFORCEMENT AGENCY WITHIN  
21 TWENTY-FOUR HOURS AFTER THE ORDER, THE PETITIONER OR A LAW ENFORCEMENT  
22 OFFICER MAY REQUEST THAT THE COURT ISSUE A SEARCH WARRANT TO ALLOW A LAW  
23 ENFORCEMENT OFFICER TO SEARCH FOR AND SEIZE ANY FIREARM THAT IS IN THE  
24 PERSON'S POSSESSION.

25 I. AFTER AN ORDER EXPIRES OR IS QUASHED, THE COURT SHALL PROVIDE  
26 THE PERSON WHO IS SUBJECT TO THE ORDER WITH DOCUMENTATION THAT STATES THAT  
27 THE ORDER HAS EXPIRED OR HAS BEEN QUASHED AND IS NO LONGER IN EFFECT. A  
28 LAW ENFORCEMENT AGENCY THAT HAS CUSTODY OF A FIREARM SHALL RELEASE THE  
29 FIREARM WITHIN FORTY-EIGHT HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER  
30 THE RECEIPT OF THE EVIDENCE THAT THE ORDER HAS EXPIRED OR BEEN QUASHED OR  
31 RECEIPT OF A COURT DOCUMENT EVIDENCING THAT THE PERSON IS NOT PROHIBITED  
32 FROM POSSESSING A FIREARM.

33 J. IF A FIREARM IS NOT OWNED OR POSSESSED BY THE PERSON WHO IS  
34 SUBJECT TO THE ORDER BUT IS OWNED OR POSSESSED BY A MINOR OR HOUSEHOLD  
35 MEMBER, THE PARENT OR LEGAL GUARDIAN SHALL SUBMIT AN AFFIDAVIT TO THE  
36 COURT STATING THAT APPROPRIATE MEASURES HAVE BEEN TAKEN TO ENSURE THAT THE  
37 PERSON WHO IS SUBJECT TO THE ORDER WILL NOT HAVE ACCESS TO THE FIREARM.  
38 APPROPRIATE MEASURES INCLUDE SECURING THE FIREARM AT ANOTHER LOCATION,  
39 SECURING THE FIREARM IN AN APPROPRIATE SAFE OR OTHER MEASURES THAT WILL  
40 ENSURE THE PERSON WHO IS SUBJECT TO THE ORDER CANNOT ACCESS THE FIREARM.

41 K. IF A PERSON HAS BEEN FOUND TO CONSTITUTE A DANGER TO SELF OR  
42 OTHERS AND THE COURT ENTERS A SEVERE THREAT ORDER OF PROTECTION PURSUANT  
43 TO SECTION 12-1882 OR 12-1883, THE COURT SHALL FOLLOW THE PROCEDURES  
44 PRESCRIBED IN SECTION 12-1882. THE SUPERIOR COURT MAY ACCESS THE

1 INFORMATION OF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
2 PROTECTION TO ENFORCE OR FACILITATE AN ORDER.

3 L. ON REQUEST, THE CLERK OF THE COURT SHALL PROVIDE CERTIFIED  
4 COPIES OF THE ORDER TO A LAW ENFORCEMENT OR PROSECUTING AGENCY THAT IS  
5 INVESTIGATING OR PROSECUTING A PROHIBITED POSSESSOR AS DEFINED IN SECTION  
6 13-3101.

7 M. A PERSON IS GUILTY OF A CLASS 4 FELONY IF THE PERSON BOTH:

8 1. INTENTIONALLY OR KNOWINGLY ALLOWS ACCESS TO A FIREARM BY A  
9 PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
10 PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION.

11 2. KNOWS THE PERSON IS PROHIBITED FROM POSSESSING A FIREARM.

12 Sec. 4. Section 13-2703, Arizona Revised Statutes, is amended to  
13 read:

14 13-2703. False swearing; classification

15 A. A person commits false swearing by making a false sworn  
16 statement, believing it to be false.

17 B. False swearing is a class 6 felony, EXCEPT THAT IT IS A CLASS 5  
18 FELONY IF THE PERSON MAKES THE FALSE SWORN STATEMENT FOR THE PURPOSE OF  
19 OBTAINING A SEVERE THREAT ORDER OF PROTECTION.

20 Sec. 5. Section 13-3101, Arizona Revised Statutes, is amended to  
21 read:

22 13-3101. Definitions

23 A. In this chapter, unless the context otherwise requires:

24 1. "Deadly weapon" means anything that is designed for lethal use.  
25 The term includes a firearm.

26 2. "Deface" means to remove, alter or destroy the manufacturer's  
27 serial number.

28 3. "Explosive" means any dynamite, nitroglycerine, black powder, or  
29 other similar explosive material, including plastic explosives. Explosive  
30 does not include ammunition or ammunition components such as primers,  
31 percussion caps, smokeless powder, black powder and black powder  
32 substitutes used for hand loading purposes.

33 4. "Firearm" means any loaded or unloaded handgun, pistol,  
34 revolver, rifle, shotgun or other weapon that will expel, is designed to  
35 expel or may readily be converted to expel a projectile by the action of  
36 an explosive. Firearm does not include a firearm in permanently  
37 inoperable condition.

38 5. "Improvised explosive device" means a device that incorporates  
39 explosives or destructive, lethal, noxious, pyrotechnic or incendiary  
40 chemicals and that is designed to destroy, disfigure, terrify or harass.

41 6. "Occupied structure" means any building, object, vehicle,  
42 watercraft, aircraft or place with sides and a floor that is separately  
43 securable from any other structure attached to it, that is used for  
44 lodging, business, transportation, recreation or storage and in which one  
45 or more human beings either are or are likely to be present or so near as

1 to be in equivalent danger at the time the discharge of a firearm occurs.  
2 Occupied structure includes any dwelling house, whether occupied,  
3 unoccupied or vacant.

4 7. "Prohibited possessor" means any person:

5 (a) Who has been found to constitute a danger to self or to others  
6 or to have a persistent or acute disability or grave disability pursuant  
7 to court order pursuant to section 36-540, and whose right to possess a  
8 firearm has not been restored pursuant to section 13-925.

9 (b) Who has been convicted within or without this state of a felony  
10 or who has been adjudicated delinquent for a felony and whose civil right  
11 to possess or carry a firearm has not been restored.

12 (c) Who is at the time of possession serving a term of imprisonment  
13 in any correctional or detention facility.

14 (d) Who is at the time of possession serving a term of probation  
15 pursuant to a conviction for a domestic violence offense as defined in  
16 section 13-3601 or a felony offense, parole, community supervision, work  
17 furlough, home arrest or release on any other basis or who is serving a  
18 term of probation or parole pursuant to the interstate compact under title  
19 31, chapter 3, article 4.1.

20 (e) Who is an undocumented alien or a nonimmigrant alien traveling  
21 with or without documentation in this state for business or pleasure or  
22 who is studying in this state and who maintains a foreign residence  
23 abroad. This subdivision does not apply to:

24 (i) Nonimmigrant aliens who possess a valid hunting license or  
25 permit that is lawfully issued by a state in the United States.

26 (ii) Nonimmigrant aliens who enter the United States to participate  
27 in a competitive target shooting event or to display firearms at a sports  
28 or hunting trade show that is sponsored by a national, state or local  
29 firearms trade organization devoted to the competitive use or other  
30 sporting use of firearms.

31 (iii) Certain diplomats.

32 (iv) Officials of foreign governments or distinguished foreign  
33 visitors who are designated by the United States department of state.

34 (v) Persons who have received a waiver from the United States  
35 attorney general.

36 (f) Who has been found incompetent pursuant to rule 11, Arizona  
37 rules of criminal procedure, and who subsequently has not been found  
38 competent.

39 (g) Who is found guilty except insane.

40 (h) WHO IS SUBJECT TO A VALID EX PARTE TEMPORARY SEVERE THREAT  
41 ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION IF THE PERSON  
42 WAS PERSONALLY SERVED WITH THE ORDER.

1           8. "Prohibited weapon":

2           (a) Includes the following:

3           (i) An item that is a bomb, grenade, rocket having a propellant  
4 charge of more than four ounces or mine and that is explosive, incendiary  
5 or poison gas.

6           (ii) A device that is designed, made or adapted to muffle the  
7 report of a firearm.

8           (iii) A firearm that is capable of shooting more than one shot  
9 automatically, without manual reloading, by a single function of the  
10 trigger.

11          (iv) A rifle with a barrel length of less than sixteen inches, or  
12 shotgun with a barrel length of less than eighteen inches, or any firearm  
13 that is made from a rifle or shotgun and that, as modified, has an overall  
14 length of less than twenty-six inches.

15          (v) A breakable container that contains a flammable liquid with a  
16 flash point of one hundred fifty degrees Fahrenheit or less and that has a  
17 wick or similar device capable of being ignited.

18          (vi) A chemical or combination of chemicals, compounds or  
19 materials, including dry ice, that is possessed or manufactured for the  
20 purpose of generating a gas to cause a mechanical failure, rupture or  
21 bursting or an explosion or detonation of the chemical or combination of  
22 chemicals, compounds or materials.

23          (vii) An improvised explosive device.

24          (viii) Any combination of parts or materials that is designed and  
25 intended for use in making or converting a device into an item set forth  
26 in item (i), (v) or (vii) of this subdivision.

27          (b) Does not include:

28          (i) Any fireworks that are imported, distributed or used in  
29 compliance with state laws or local ordinances.

30          (ii) Any propellant, propellant actuated devices or propellant  
31 actuated industrial tools that are manufactured, imported or distributed  
32 for their intended purposes.

33          (iii) A device that is commercially manufactured primarily for the  
34 purpose of illumination.

35          9. "Trafficking" means to sell, transfer, distribute, dispense or  
36 otherwise dispose of a weapon or explosive to another person, or to buy,  
37 receive, possess or obtain control of a weapon or explosive, with the  
38 intent to sell, transfer, distribute, dispense or otherwise dispose of the  
39 weapon or explosive to another person.

40          B. The items set forth in subsection A, paragraph 8, subdivision  
41 (a), items (i), (ii), (iii) and (iv) of this section do not include any  
42 firearms or devices that are possessed, manufactured or transferred in  
43 compliance with federal law.

# Attachment 5

## **Support of Pima County Elected Officials**

**Background:** The Assessor's Office now processes all class 3 to 4 changes and the reversal. This statute currently states that the county board performs this task. In addition, paragraph 2, states that the Treasurer shall assess a civil penalty (which we do not currently do) instead of may. We are proposing a simple amendment to the statute that would allow for discretion in these processes.

**Recommended Solution:** The following revision to A.R.S. § 42-12052 is proposed, which would allow for the discretion in the process.

### 42-12052. Review and verification of class three property; civil penalty; appeals

A. Each county assessor shall review assessment information, on a continuing basis, to ensure proper classification of residential dwellings. The assessor may enter into intergovernmental agreements with the department for an exchange of information to ensure a coordinated and comprehensive review and identification of property that may be rented while classified as class three pursuant to § 42-12003.

B. If the assessor has reason to believe that a parcel of property that is classified as class three pursuant to § 42-12003 is not the owner's primary residence or as a qualifying family member residence pursuant to § 42-12053, the assessor shall notify the owner, in a form prescribed by the department as provided by subsection D of this section, and request that the owner respond as to whether the property meets the requirements of § 42-12003 or 42-12053, is a secondary residence or is used as a rental property. If the owner fails to respond to the assessor within thirty days after the notice is mailed, the assessor shall mail the owner a final notice within thirty days requesting that the owner provide information as to whether the property meets the requirements of a primary residence, a secondary residence or is used as a rental property. If the owner fails to respond to the assessor within fifteen days after the final notice is mailed, the assessor shall:

1. Reclassify the property as class four. In addition to other appeal procedures provided by law, the owner of the property that is reclassified as class four under this paragraph may appeal the reclassification to the assessor or the county board of supervisors within thirty days after the notice of classification is mailed. If the owner proves to the assessor's and/or board's satisfaction that the property is occupied as the owner's primary residence, the board and/or assessor shall order the property to be reclassified as class three property pursuant to § 42-12003.
2. Notify the county treasurer, who may assess a civil penalty against the property equal to the amount of additional state aid paid pursuant to § 15-972 with respect to the property in the preceding tax year. The civil penalty shall not be assessed if the ownership of the property has changed after notification. The owner of the property shall pay a penalty under this paragraph to the county treasurer within thirty days after the notice of the penalty is mailed. The owner may appeal the penalty to the county board of supervisors within the time required for payment. If the owner proves to the board's satisfaction that the property is occupied by the owner, the board shall waive the penalty, and the property shall be listed as class three pursuant to § 42-12003. Until paid or waived, the penalty constitutes a lien against the property. The county treasurer shall deposit all revenue received from penalties assessed under this paragraph in the county general fund.

C. Beginning in 2013 and during each elective term of office thereafter, the county assessor shall send notices under subsection B of this section to each owner of property classified as class three pursuant to § 42-12003 described by any of the following:

1. The owner has a mailing address outside the county in which the property is located.
2. The owner has a mailing address, other than a post office box, that is different than the situs address of the property.
3. The owner has the same mailing address listed for more than one parcel of class three property in this state.
4. The owner appears to be a business entity.

D. The department shall:

1. Prescribe all forms used to notify property owners under this section. The forms shall contain information as to criteria for the reclassification of property and the civil penalties that may result if the owner fails to respond to the notice.
2. Monitor and review the procedures and practices used by assessors and treasurers to accomplish the verification of class three property and the assessment and collection of penalties prescribed by this section and propose suggested improvements to establish uniform processes and performance among the counties.

E. The department may inspect the records of county assessors and county treasurers to determine compliance with the requirements of this section and the accuracy of the classification of owner occupied residential property and rental property.

**Other Potential Remedies:**

**Fiscal Impact:**

**Stakeholders:** Pima County Assessor and Pima County Treasurer.

**Primary Contact:** Pima County Assessor and Pima County Treasurer

**Name:** Assessor Suzanne Droubie  
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