



# 2015 LEGISLATIVE SUMMARY

# 2015 Legislative Session

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# Executive Summary

The 2015 Legislative Session began on Monday January 12<sup>th</sup>, 2015. With the new Legislative Session came a lot of new changes including a brand new Governor. Governor Ducey kicked off the Legislative Session with his State of the State address which focused a lot on his #ClassroomsFirst initiative to put more dollars into the classrooms, as well as the need to address the looming budget deficit. The budget which was eventually released painted a much different picture as there were devastating cuts to high education, administrative cuts to K-12, and various cuts through the human services community. The budget which had support from leadership in the House and Senate was expedited through the Legislature and the Governor's desk weeks before an anticipated end of session. With the quick passage of the budget in early March it was no surprise that the Legislature adjourned a few weeks later in the beginning of April. This end came after only 81 days in session, the shortest session since 1968.

Given the swift end of the Legislative session, many bills did not pass this year that had been on our radar. We tracked numerous bills this year, many of which failed simply based on time restrictions rather than a lack of support from the Legislature. Our 2015 Legislative Summary will provide brief descriptions of a multitude of bills we monitored this year as well as their final outcome. Our policy team tracked a wide variety of legislation; from criminal law to SNAP, we saw a wide breadth of bills impacting sexual and domestic violence survivors. While some good things did pass, a handful of bills passed that may have negative impacts on survivors' access to services.

In addition to the changes at the Governor's Office, there were various new appointments to state departments. After only a few months serving as the Director of the Department of Child Safety, Charles Flanagan was replaced by Director Greg McKay. Director McKay is a former detective and had served as part of the Office of Child Welfare Investigations (OCWI) before appointment to director of DCS. Additionally, Clarence Carter resigned from the Department of Economic Safety and was replaced by Director Timothy Jefferies. Both Directors were confirmed in the Senate after the budget passed and faced many questions from Legislators on how they would manage their agencies given the cuts to social services. Director McKay was also directly asked about training that DCS workers receive, particularly any training they receive on domestic violence. Currently the Coalition's Training Department provides 3 ½ hours of training to new workers at DCS. Since his confirmation, we have been working with Director McKay to improve the training policies around domestic violence for workers and hope to work with the DCS on improving their overall response to domestic violence.

While this session may be over, there is still a lot of work to be done. New laws will be going to effect in July, and the impacts of the budget cuts will be felt as soon as the new fiscal year starts. As always, the Policy Department is hard at work analyzing the impacts of this session, working on systemic issues, and preparing to reintroduce bills next year that failed this year. Hopefully next year will see additional improvements to our responses to sexual and domestic violence.

Sincerely,

ACESDV Public Policy Team  
Shannon Rich – Public Policy Manager  
Alona Del Rosario – Public Policy Advocate  
Jaime Watson – Public Policy Advocate





# CRIMINAL JUSTICE LEGISLATION



# Criminal Justice Related Bills

Criminal Justice Legislation	House Committee	House Third Read	Senate Committee	Senate Third Read	Governor
HB 2299 (sexual offenses; definitions; defenses)	✓	✓	✓	✓	✓
HB 2294 (courts; approved screening; treatment facilities)	✓	✓	✓	✓	✓
SB 1035 (domestic violence treatment programs; providers)	✓	✓	✓	✓	✓
HB 2553 (sex trafficking victim; vacating conviction)	✓	✓	✓	✓	✓
HB 2164 (release; bailable offense; evidence)	✓	✓	✓	✓	✓
SB 1314 (domestic violence; arrest; evidence)			✓		
HB 2561 (unlawful distribution of private images)	✓	✓	✓	✓	

# Criminal Justice Related Bills

## **HB 2299 (sexual offenses; definitions; defenses)**

Sponsor: Representative Farnsworth  
Signed into Law  
ACESDV Supported

HB 2299 makes changes in the criminal statute around sexual offenses. In particular this bill creates a definition of "position of trust" in certain sex crimes. This concept has existed and created increased sentencing for people who commit these crimes such as teachers and clergy members. This specific definition now is expanded to include a person in a romantic relationship with the child's family member, and it includes coaches. It also specifies that consent cannot be a defense if the child is between the ages of 15-17 and the person was in a position of trust. HB 2299 faced no opposition and passed quickly through the Legislature where it was signed by the Governor on 4/06/15.

## **HB 2294 (courts; approved screening; treatment facilities)**

Sponsor: Representative Farnsworth  
Signed into Law  
ACESDV Supported

This legislation expands court approved treatment services, including domestic violence offender treatment programs, to include programs offered by the Department of Veterans Affairs. Domestic violence offender treatment can only be ordered to the VA if the local VA office offers offender treatment. HB 2294 had unanimous support in the House and Senate and was signed into law by the Governor on 3/26/15.

## **SB 1035 (domestic violence treatment programs; providers)**

Sponsor: Senator Ward  
Signed into Law  
ACESDV Neutral

When first introduced SB 1035 would have allowed the courts to order a perpetrator of domestic violence to any service for offender treatment regardless of whether it was on the approved list of providers as determined by the Department of Health Services. We were opposed to this option because of concerns that courts may order perpetrators to inappropriate services, such as, anger management. The bill was eventually amended to require the Supreme Court to adopt rules on how facilities will be approved by the court. Once the amendment passed we were neutral on the legislation. The bill passed and was signed into law by the Governor on 4/06/15. This law as a delayed effective date of December 31<sup>st</sup>, 2015 allowing the Supreme Court time to develop these rules.

## **HB 2553 (sex trafficking victim; vacating conviction)**

Sponsor: Representative Steele  
Signed into Law  
ACESDV Supported

HB 2253 originally started as a process for all minor victims of human trafficking to vacate prior convictions that are the result of them having been victims of human trafficking. The language was later narrowed to be targeted specifically towards minor victims of sex trafficking who have charges on their record that were the direct result of being a victim of trafficking. The legislation had support from the community and was eventually signed into law on 4/06/15.

## **HB 2561 (unlawful distribution of private images)**

Sponsor: Representative Mesnard  
Did Not Pass  
ACESDV Supported

This legislation was a fix to a bill last year that creates a crime of unlawful distribution of private images, also known as non-consensual pornography or "revenge porn." Concerns from the ACLU led to a lawsuit last year that required the Legislature to come back and fix some of the language. During the last week of session the bill was further amended in a conference committee to ensure all concerns were addressed before the bill was passed. HB 2561 passed in Final Read in the House, but did not receive Final Read in the Senate before they adjourned for the year. There remains a stay on the original law.

## **SB 1314 (domestic violence; arrest; predominant aggressor)**

Sponsor: Senator Driggs  
Did Not Pass  
ACESDV Supported

For the third year in a row ACESDV introduced predominant aggressor legislation. This year the bill would create a protocol for law enforcement to determine the predominant aggressor when faced with making a dual arrest of domestic violence was introduced in the Senate and was assigned to two committees. The bill passed in Senate Judiciary but failed to receive a hearing in Senate Public Safety. This continues to be a priority for the Coalition and we will look into introducing the legislation again next year.

## **HB 2164 (release; bailable offense; evidence)**

Sponsor: Representative Borelli  
Signed into Law  
ACESDV Supported

HB 2164 provides Judges the ability to consider any prior convictions a defendant may have, or the results of a lethality or risk assessment, when setting bail and determining release conditions. Hopefully knowing that Judges can consider lethality and risk assessments, more law enforcement agencies will be able to adopt the use of these tools in the field. HB 2164 passed with no opposition in the House and Senate and was signed into law on 3/30/15.

# FIREARMS LEGISLATION

# Firearms Legislation

## **HB 2320 (firearms; permit holders; public places)**

Sponsor: Representative Barton

Did Not Pass

ACESDV Opposed

This legislation would allow those with permits to carry concealed weapons to bring their firearms into all public places and events. This would overturn existing law which says that a public agency can ban firearms by positing a sign. HB 2320 would allow agencies to ban firearms but only if they provide security and metal detectors at the entrance to the building to determine if individuals have a firearm on them and a process for storage of a firearm if a person is carrying a firearm with them. This legislation has been introduced in the past and was previously vetoed by Governor Jan Brewer. This year the bill failed to make it out of the Senate.

## **SB 1330 (prohibited activities; second amendment violations)**

Sponsor: Senator Ward

Did Not Pass

ACESDV Opposed

SB 1330 would have banned the state from spending money on or helping enforce new firearms-related rules from the Federal Government and would effectively have declared "invalid and void" any gun law or regulation that violates the Second Amendment. The bill passed out of the full Senate and the House Military and Public Safety committee, but failed to progress further in the House.

## **HB 2431 (uniform firearms transfer compact)**

Sponsor: Representative Thorpe

Did Not Pass

ACESDV Opposed

HB 2431 would have created an interstate compact that would limit Arizona's ability to regulate firearms transfers and prevent member states from creating firearms transfer laws that are more restrictive than federal law. This legislation would also repeal any laws or regulations in conflict with the compact in member states and nullify any current or future law or voter initiative that would be in conflict with the compact. There were many concerns that this legislation would restrict any future attempts to change firearms laws in the state through voter initiatives. HB 2431 passed out of the House and received a second read in the Senate, but was ultimately held there.

Firearms Legislation	House Committee	House Third Read	Senate Committee	Senate Third Read	Governor
HB 2320 (firearms; permit holders; public places)	✓	✓	✓		
SB 1330 (prohibited activities; second amendment violations)	✓		✓	✓	
HB 2431 (uniform firearms transfer compact)	✓	✓	✓		

# FAMILY LAW AND HUMAN SERVICES LEGISLATION

# Family Law and Human Services Legislation

## **HB 2519 (relocation of child; parenting plans)**

Sponsor: Representative Coleman  
Signed into Law  
ACESDV Neutral

This legislation was the culmination of years of effort and previous legislative attempts to make changes to the relocation process in family law. HB 2519 provides a simpler process that aligns with what is currently happening in courts. The introduced version brought the 100 mile relocation limit down to 30 miles and required relocation plans be set in the parenting plan. This version also provides exemption from notice of a relocation if the relocating parent was in a protected location, such as part of the Address Confidentiality Program or was granted protection through the court. There was opposition to the bill in the House and it seemed to have a lack of support in the Senate. On the last day of session the bill moved forward with an amendment that became the final version of the bill. The 100 miles was returned and the final legislation says that parents must develop a plan for relocation in the parenting plan and they must adhere to their parenting plan regardless of a relocation. HB 2519 was signed into law by the Governor.

## **SB 1328 (eligibility; verification; public programs)**

Sponsor: Senator Ward  
Did Not Pass  
ACESDV Opposed

SB 1328 would require the Department of Economic Security to establish a computerized verification system for verifying eligibility for assistance, including applicants' income, asset and identification information. DES would be required to verify each applicant and recipient of DES assistance before awarding assistance and on a quarterly basis. SB 1328 passed out of the Senate, but failed to receive a hearing in the House.

## **HB 2051 (TANF; electronic benefit transfer; fast-food)**

Sponsor: Representative Townsend  
Did Not Pass  
ACESDV Opposed

This legislation would prohibit families from using their electronic benefit transfer (EBT) card to purchase food from a fast food or quick service restaurant. With so many families living with limited access to food through traditional grocery stores, their only option may be through fast food or quick service restaurants. Limited access to food through this legislation puts those who are the most vulnerable at risk of have no access to food for their family. The bill was assigned to the Government and Higher Education Committee in the House but never received a hearing.

Family Law and Human Services Legislation	House Committee	House Third Read	Senate Committee	Senate Third Read	Governor
HB 2519 (relocation of child; parenting plans)	✓	✓	✓	✓	✓
SB 1329 (nutrition assistance; limitations; benefits card)			✓		
SB 1328 (eligibility; verification; public programs)			✓	✓	
HB 2051 (TANF; electronic benefit transfer; fast-food)					
HB 2611 (consumer flex loans)	✓	✓			
SB 1092/HB 2075 (AHCCCS; annual waiver submittals)	✓	✓	✓	✓	✓

## **HB 2611 (consumer flex loans)**

Sponsor: Representative Mesnard  
Did Not Pass  
ACESDV Opposed

HB 2611 was introduced under the veil of a "flex loan." The reality of this legislation is that it would give payday lenders the ability to set up high cost debt trap loans. Given the economic abuse many domestic violence survivors experience, survivors may utilize these payday lenders for a time until they are more financially secure and/or have found safety. By creating these debt trap loans, survivors could find themselves further in debt, creating another barrier to leaving an unsafe relationship or be forced to return to an abusive partner. HB 2611 passed out of the House, but failed to pass out of committee in the Senate.

## **SB 1329 (nutrition assistance; limitations; benefits card)**

Sponsor: Senator Ward  
Did Not Pass  
ACESDV Opposed

The intent of this legislation was to lock the state into certain food stamp program eligibility restrictions. This would include preventing the state from requesting a waiver of the 3 month time limit for childless adults and requiring that the state not use categorical income and resource eligibility requirements. It also placed a requirement for color photo and name be placed on all Electronic Benefit Transfer cards. SB 1329 failed in the Senate.

## **SB 1092/HB 2075 (AHCCCS; annual waiver submittals)**

Sponsor: Senator Barto/Representative Petersen  
Signed into Law  
ACESDV Opposed

These two bills are mirrored after legislation that was vetoed by Governor Brewer last year and would allow the state to apply for a waiver to make changes to AHCCCS. The new requirements require "able bodied" adults on AHCCCS to meet new work requirements and adds a 5 year lifetime limit on AHCCCS services. This legislation was signed into law by Governor Ducey on 3/6/2015 and is pending waiver approval.

# SEXUAL VIOLENCE AND WOMEN'S HEALTH LEGISLATION

# Sexual Violence and Women's Health Legislation

## **SB 1432 (hotels employees; room access; backgrounds)**

Sponsor: Senator Hobbs  
Did Not Pass  
ACESDV Supported

SB 1432 would have required hotel or hotel managers/owners to check the internet sex offender website and the United States Department of Justice national sex offender public website to verify employees are not registered sex offenders prior to granting employees access to hotel guests' rooms. This bill was intended to protect hotel guests from hotel employees convicted of sexual offenses. SB 1432 passed out of the Senate Commerce and Workforce Development but ultimately failed to progress further in the Senate.

## **HB 2516 (teachers; abuse prevention; continuing education)**

Sponsor: Representative Weninger  
Signed into Law  
ACESDV Supported

As introduced this legislation allows awareness and prevention training for child abuse and the sexual abuse of children to count as continuing education credits for certified teachers and administrators. This legislation is important as it will give educators the tools they need as mandated reporters to spot signs of abuse and how to help abused children. HB 2516 passed unanimously out of both the House and Senate and was signed into law by the Governor.

## **SB 1425 (sexual assault advocate; privilege)**

Sponsor: Senator Hobbs  
Did Not Pass  
ACESDV Supported

SB 1425 would mirror language already in statute for domestic violence advocates around privileged communications between advocates and survivors when survivors have on-going court cases. This bill would ensure that sexual assault advocates have privileged communications with sexual assault survivors who are involved in civil court proceedings. SB 1425 was set to pass and had no opposition, but on the last day of session it failed to get a final vote in the Senate before the Senate adjourned.

## **SB 1429 (reporting; untested sexual assault kits)**

Sponsor: Senator Hobbs  
Did Not Pass  
ACESDV Supported

The issue of untested rape kits continues to be a national discussion among professionals working in the sexual assault field. SB 1429 would require agencies with untested rape kits to report the number of untested kits to the legislature in a one-time only audit. This would provide more information to state law makers on the scope of the problem in Arizona and how to address the untested kits. SB 1429 passed out of Senate

committee but never made it to a vote of the full Senate.

## **HB 2474 (postsecondary institutions; sexual consent policies)**

Sponsor: Representative Mendez  
Did Not Pass  
ACESDV Supported

This legislation would have required each public and private college, university, and community college in the state to develop policies to define consent to sexual activities. Also included in the bill is a detailed definition of how to define consent and the understanding that consent can be withdrawn at any time. HB 2474 was finally assigned in the Rules committee at the end of March and never received a hearing.

Sexual Violence and Women's Health Legislation	House Committee	House Third Read	Senate Committee	Senate Third Read	Governor
SB 1432 (hotels employees; room access; backgrounds)			✓		
HB 2516 (teachers; abuse prevention; continuing education)	✓	✓	✓	✓	✓
SB 1425 (sexual assault advocate; privilege)	✓	✓	✓	✓	
SB 1429 (reporting; untested sexual assault kits)			✓		
HB 2474 (postsecondary institutions; sexual consent policies)					
SB 1318 (abortion; health care exchange; licensure)	✓	✓	✓	✓	✓

## **SB 1318 (abortion; health care exchange; licensure)**

Sponsor: Senator Barto  
Signed into Law  
ACESDV Opposed

SB 1318 would eliminate abortion care from the health care exchange thereby limiting women's access to the health care and insurance she needs. As introduced the bill did not provide an exemption for rape or incest, but was later amended to include those exemptions. Concerns still remained that by disclosing this personal information to a health insurance providers would revictimize the victim/survivor of sexual assault or incest. Additionally it is unclear how insurance providers would make the determination for the exemption. Another amendment was added in the House that requires doctors and the Department of Health Services to provide about medication available to reverse the effects of a medication abortion. The bill passed in both the House and Senate and was finally signed into law by Governor Ducey.

# CHILD WELFARE LEGISLATION AND BUDGET

# Child Welfare Legislation and the Budget

## HB 2640 (dependency; households; domestic violence)

Sponsor: Representative Brophy McGee  
 Did Not Pass  
 ACESDV Neutral

When first introduced, HB 2640 would have required Department of Child Safety worker to determine if any member of the child's household or any person who has a dating or intimate relationship with a member of the household has been arrested for, charged with, or convicted of a domestic violence or sex crime before returning the child to the household. Upon determining that a crime of domestic violence or a sex crime was in the persons criminal history, DCS would not be allowed to return the child to the home if they believed there was an imminent threat of danger existing in the home. While well intended, the legislation placed focus on the non-offending parents responsibilities rather than the perpetrator of crime. Additionally, the legislation did not define imminent threat and provided no additional training to help DCS workers make these determinations. This would lead to the unintended

consequences of reducing reunification of children with their non-offending parent. Various amendments were added to the legislation to reduce the chances for unintended consequences. Despite these efforts, the legislation did not move forward in the Senate.

## HB 2047 (child removal; supervisor review; approval)

Sponsor: Representative Townsend  
 Signed into Law  
 ACESDV Neutral

In response to the concern around how cases are handled in the Department of Child Safety, HB 2047 was introduced as a way to increase accountability. Under this new legislation, a DCS worker would have to submit a request with supporting documentation to their supervisor before removing a child from the home. The only exemption is in emergency situations for the health and safety of the child. HB 2047 passed quickly through the legislature and was signed into law by the Governor.

Child Welfare Legislation	House Committee	House Third Read	Senate Committee	Senate Third Read	Governor
HB 2640 (dependency; households; domestic violence)	✓	✓	✓		
HB 2047 (child removal; supervisor review; approval)	✓	✓	✓	✓	✓

## 2015 Budget

The 2015 Budget passed quickly this session with limited time for public input and discussion. While the public focused on the massive cuts to higher education and restructuring cuts to K-12 education, it was the cuts and sweeping of funds in human services that put survivors of sexual and domestic violence at risk. Three areas in particular provide a negative impact to survivors; housing, TANF, and child safety.

### Housing

For years, efforts had been brought forward to restore funding to the Housing Trust Fund in Arizona. The current Housing Trust Fund is capped at \$2.5 million and efforts were in place to lift the cap in order for more funding to go to housing. As part of the budget this year the \$2.5 was left in place, but the additional money generated by the fund was swept for other purposes which will make it difficult to access in the future. Access to affordable housing is an important resource of survivors of sexual and domestic violence as it reduces the risk of survivors staying in unsafe situations. Increasing funding would have provided more housing options for survivors.

### TANF

The Temporary Assistance for Needy Families (TANF) Cash Assistance Program is intended to provide temporary cash

assistance and supportive services to needy families in the state. While it is federal legislation that created TANF, it is up to states to determine how to administer it. For years Arizona has had a 24 month lifetime limit on benefits; one of the lowest in the county. Under this budget, the lifetime limit for TANF benefits drops to 12 months officially making it the lowest in the country. Survivors of domestic violence often experience financial and economic abuse at the hands of their perpetrator. Programs like TANF are intended to help survivors find the economic stability they need to seek safety. The 12 month lifetime limit on benefits is going to put more survivors at risk of staying in an unsafe situation or returning to an unsafe situation due to economic barriers. There is a delayed impact on the TANF cuts, as this limit to benefits will not go into effect until July 1<sup>st</sup>, 2016.

### Child Safety

While there were no direct cuts to the Department of Child Safety, there was no additional funding appropriated for the department to address case load growth, and no additional funding for the increased growth in foster care. During the 2014 Session, \$4 million was appropriated to increase child care assistance for low income families. That funding was cut in this years budget. Many families in Arizona are in need of affordable child care, including survivors of domestic violence. A cut to this assistance puts more families and children in danger of being put into the already overwhelmed DCS system.