PUBLIC POLICY AGENDA

Proactive Agenda \ Bill Package

www.acesdv.org
ARIZONA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

Who We Serve: Our primary customers are providers of direct services to victims and survivors of sexual and domestic violence. Victims and survivors are the beneficiaries of our work.

Our History: The Arizona Coalition Against Domestic Violence was formed in 1980 so that concerned citizens and professionals could unite in a statewide organization to end domestic violence. In 2013, the coalition became the federally-designated dual coalition to address both sexual and domestic violence, thus becoming the Arizona Coalition to End Sexual and Domestic Violence (ACESDV).

Our Purpose: Increase public awareness about the issues of sexual and domestic violence. Enhance the safety and services for sexual and domestic violence victims and survivors, and end sexual and domestic violence in Arizona.

MISSION

ACESDV’s mission is to end sexual and domestic violence in Arizona by dismantling oppression and promoting equity among all people.
SEXUAL AND DOMESTIC VIOLENCE IN ARIZONA

In 2019 alone, there were 96 domestic violence related deaths in Arizona. (ACESDV, 2020)

PREVALENCE

Sexual and domestic violence is a pervasive and life-threatening experience for millions across the nation. According to the National Intimate Partner and Sexual Violence Survey, 1 in 2 women and 1 in 4 men experience contact sexual violence in their lifetime. One in four women and 1 in 10 men are victimized through physical violence, stalking, or sexual assault by an intimate partner.
ACCESS TO SAFE AND AFFORDABLE HOUSING

Expand Lease Termination Options for Survivors of Violence

Critical Need:
Existing law allows for lease termination for sexual and/or domestic violence survivors who can provide a protective order or police report to prove violence occurred. However, many survivors do not obtain protective orders or report to the police. Expanding allowable forms of documentation of violence will ensure more survivors are able to leave violent or unsafe homes.

Proposed Legislative Solution:
Expand ARS 33-1318: Early Termination by Tenant; Domestic Violence; Sexual Assault; Requirements; Lock Replacement; Access Refusal; Treble Damages; Immunity
Expand allowable forms of documentation to include emergency orders of protection or verification by a healthcare/mental health professional, or a sexual and/or domestic violence program advocate.

Link to Model Legislation
Forthcoming
ACCESS TO SAFE AND AFFORDABLE HOUSING

Amend state statute to prohibit evictions of crime victims based on nuisance laws

Critical Need:
Currently, domestic violence survivors can be evicted for violation of nuisance laws as a result of multiple calls to the police to intervene in situations of domestic violence. While some municipalities have repealed nuisance ordinances, survivors in some cities can still be evicted for making multiple calls to law enforcement. In order to protect survivors of crime, state statute related to nuisance laws should be amended to exclude domestic violence survivors calling for help from police.

Proposed Legislative Solution:
Amend ARS 13-2917 to exclude crime victims

Model Legislation: Effective January 2019
SEXUAL VIOLENCE SERVICES AND RESPONSE

Mandate statewide use of Arizona’s existing sexual assault kit tracking system.

Critical Need:
In 2016, Governor Ducey issued Executive Order 2016-02, establishing the Arizona Sexual Assault Evidence Collection Kit Task Force. Per Task Force recommendations, Arizona adopted a sexual assault kit tracking system. However, participation is not mandatory by law for all law enforcement agencies or jurisdictions. Mandatory statewide participation in a unified tracking system will ensure greater accountability to survivors, prevent future backlogs, and allow for consistent data collection and assessment.

Proposed Legislative Solution:
Amend ARS 13-1426 to include required participation in a sexual assault kit tracking system.
Mandate survivor’s ability to anonymously track the location, testing date, testing results of a kit including DNA profiles or matches, and estimated destruction date of their kit. Require provision of tracking system information to all victims of sexual assault who receive a forensic exam.

SEXUAL VIOLENCE SERVICES AND RESPONSE

Establish sexual assault survivors' right to know the status of their sexual assault kit.

Critical Need:
Sexual assault survivors want and deserve information about the status of their sexual assault kits, and this knowledge can promote healing for survivors. All but two jurisdictions in Arizona utilize TrackKit, a sexual assault kit tracking system with a portal for victims to voluntarily receive updates on their kit. All victims should have the right to information about their kit and access to this portal. Currently, 24 states and Washington, D.C. have passed laws granting victims' rights to know the status of their sexual assault kit.

Proposed Legislative Solution:
Victims' right to notification may include:

- Each law enforcement agency shall designate at least one person, who is trained in trauma and victim response, to receive all inquiries concerning sexual assault evidence collection kits and serve as a liaison between the agency and survivors.
- Victims of sexual assault be provided with the contact information for the designated liaison(s) or information about the TrackKit victim portal at the time that a kit is collected.
- In advance or at the beginning of the MFE, victims shall be provided with a physical document developed by an appropriate state agency identifying their rights under law, including rights in this section.

Model Legislation Introduced: California Assembly Bill 898 (2003); Illinois Senate Bill 3096 (2016); Hawaii House Bill 2131 (2016)

1 Joyful Heart Foundation (2020)
FIREARM LAW REFORM

Close gaps that give perpetrators of domestic violence easier access to guns.

Critical Need:
Arizona’s rates of domestic violence homicide by firearm exceed the national average, and have increased since the onset of COVID-19. In 2019, there were 62 domestic violence homicides by firearm in Arizona. Access to a gun makes it five times more likely that a woman will die at the hands of a domestic abuser. While Arizona limits access to firearms for domestic abusers, additional reform is needed to expand this limitation and to facilitate the implementation and enforcement of the initial legislation by the courts and law enforcement.

Proposed Legislative Solution:
Amend ARS 12-284, Repealing § 12-284, Arizona Revised Statutes Amended by Laws 2018, Chapter 232, Section 1
Expand the definition of prohibited possessors of firearms to domestic violence misdemeanants.
Amend ARS 13-36
Provide a strong process that ensures firearm surrender by domestic abusers to law enforcement or designated recipients. Prohibit all domestic abusers subject to active final protection orders from having guns and require abusers to relinquish their guns.

2020 Arizona Model Legislation Introduced: SB1165 and HB2543

1 Everytown for Gun Safety (2020)
Provide the means for sexual assault survivors to maintain safety for themselves and their children.

Critical Need:
Various studies over the last two decades estimate that there are between 17,000 and 32,000 sexual assault-related pregnancies in the United States each year. Currently, 32 states allow for the termination of parental rights of perpetrators of sexual assault who conceive a child as a result.\(^1\)

Proposed Legislative Solution:
Amend ARS 8-533
- Allow a parent of a child who was conceived as a result of sexual assault committed by the child’s other parent to file a petition to terminate the parental rights of the parent who committed the sexual assault based on clear and convincing evidence;
- Allow a petition to terminate parental rights of the parent who committed the sexual assault to be filed at any time;
- Allow the court to grant the petition to terminate parental rights if there is clear and convincing evidence that the child was conceived as a result of sexual assault committed by the parent who is the subject of the petition.
- Require the court to accept a guilty plea or conviction of sexual assault, whether committed in Arizona or another jurisdiction, by the parent who is the subject of the petition as conclusive proof that the child was conceived as a result of sexual assault;
- Presume that the termination of parental rights is in the best interest of a child who was conceived as a result of sexual assault.

2020 Arizona Model Legislation Introduced: SB1355

\(^1\) National Conference of State Legislatures (2020)
FUNDING

Retain funding for Domestic Violence Services and establish funding for Sexual Violence Services.

Critical Need:
According to the U.S. Department of Justice, 75.1% of sexual assaults are not reported to law enforcement, making it the most under-reported crime in the nation. Currently, Arizona is one of the few remaining states that does not allocate state-level funding for sexual assault services. The lack of funding has led to significant gaps in sexual assault victim service provision.

Proposed Legislative Solution:
Amend ARS 13-14 by adding section 13-1429, to read:
13-1429. Sexual assault services fund; administration; eligible grants; definition.
The sexual assault services fund is established, and administered by the Department of Economic Security. Subject to legislative appropriation, the department will spend monies in the fund to provide financial assistance through a competitive request for proposals process to sexual violence service providers for victims of sexual violence through contracts for services.

2020 Arizona Model Legislation Introduced: HB 2391
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https://www.acesdv.org/public-policy-advocacy/

ACESDV advocates for systemic change to increase safety for victims/survivors of sexual and domestic violence and their children. We believe in accountability for people who commit harm, and work on big picture issues impacting sexual and domestic violence victims/survivors and direct service providers.

Activities of the Public Policy Department:
- Monitor policies, procedures and practices
- Advocate for systems level changes
- Educate lawmakers on needed statutory changes and sexual and domestic violence
- Work with the criminal legal system, human services, and other community partners to enhance system responses to sexual and domestic violence

Legislative Action:
- We track a number of bills relating to sexual and domestic violence victims/survivors, increasing accountability for people who commit harm, and funding for sexual and domestic violence programs and services.

The Arizona Legislative Session starts the second Monday in January every year and goes for approximately 100 days. We send out weekly Legislative Updates every Friday during the legislative session. Please visit our website for more information.

www.acesdv.org