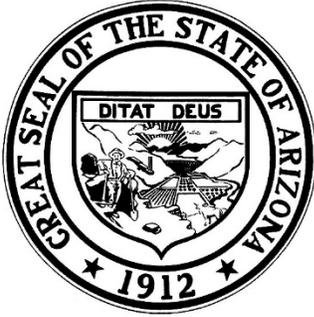


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: HB 2951

Livingston Floor Amendment

Judicial

1. Specifies that judicial officers and employees cannot serve on state-authorized boards, commissions, councils or task forces.
2. Prohibits the judicial branch from contracting for lobbying services.
3. Removes the court's Administrative Director from the Arizona Criminal Justice Commission.
4. Instructs the attorney general or county attorney to obtain majority approval from the House of Representatives and Senate Judiciary committee members to file election-related legal action if any litigant established prima facie evidence in court that legal action by the attorney general or county attorney was motivated by a desire to deter constitutional rights.

Anti-Racketeering Revolving Fund

5. Removes provisions relating to the use of Anti-Racketeering Revolving Fund monies.
6. Clarifies that Anti-Racketeering Revolving Fund monies cannot be transferred to the state General Fund.

Nuclear Emergency Management Fund

7. Removes provisions relating to appropriations for the Nuclear Emergency Management Fund.

Erroneous Convictions Compensation

8. Allows a claimant to bring an action in superior court seeking compensation from Arizona if the claimant establishes by a preponderance of the evidence that all of the following applies:
 - a. the claimant was convicted of a felony and subsequently incarcerated;
 - b. the claimant did not commit the crime or crimes for which the claimant was convicted;
 - c. the claimant did not commit perjury, fabricate evidence or by the claimant's own conduct cause or bring about the conviction; and

Amendment explanation prepared by M. Torres

Phone Number 63219

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6/13/2025

- d. in addition, one of the following applies:
 - i. the claimant was pardoned based on innocence;
 - ii. the claimant's conviction was reversed or vacated and the charges were dismissed or the claimant was found not guilty on retrial; or
 - iii. the claimant's conviction was reversed or vacated and the claimant entered an Alford plea or a plea of no contest, while maintaining a claim of innocence, after the conviction was overturned, reversed or vacated on direct appeal or postconviction review when the claimant would otherwise have been entitled to a new trial.
- 9. States that a confession or admission later found to be false or a guilty plea does not constitute committing perjury, fabricating evidence or causing or bringing about the conviction.
- 10. Specifies how all pleadings must be entitled.
- 11. Requires the claimant to serve the Attorney General (AG) with a copy of the claim.
- 12. Directs the court to decide the claim and use the Arizona Rules of Civil Procedure.
- 13. Requires the action be brought in the county of conviction or in Maricopa County.
- 14. Requires the claimant to bring the claim within two years after one of the following occurs:
 - a. the claimant's conviction is overturned or vacated and the charges against the claimant are dismissed, the claimant is found not guilty on retrial or the claimant enters a please of no contest, whichever occurs later;
 - b. the claimant is pardoned based on innocence; or
 - c. the effective date of this Act, if the claimant was convicted, incarcerated and released from custody before the effective date of this Act.
- 15. Requires the AG to respond to the claim within 30 days and may request a single 30-day extension to respond on a showing of good cause.
- 16. Allows the Attorney General (AG), in response to a compensation claim from an erroneous conviction, and the court to make findings of fact that there is evidence of misconduct on the part of a county or city employee.
- 17. Permits the parties to stipulate to an additional extension of time.
- 18. Specifies that a confession or admission later found to be false or a guilty plea does not constitute committing perjury, fabricating evidence or causing or bringing about the conviction.
- 19. Requires the court, if the AG does not object in the response, to enter an order granting the erroneous conviction claim.

20. Instructs the court, if the AG objects, to order and hold an evidentiary hearing.
21. Instructs the court to make findings of fact that there is evidence of misconduct on the part of a county or city employee if requested by the AG.
22. Requires the court order that grants or denies the claim to include findings of fact and conclusions of law.

Compensation

23. Instructs the court, if the court enters an order granting the claim, to award compensation as follows:
 - a. for each year the claimant was incarcerated, 200% of the median household income in Arizona on the date the claimant was incarcerated;
 - b. the claimant can request additional compensation than the 200% of the median household income;
 - c. reasonable attorney fees and costs of no more than \$25,000 unless the court authorizes a greater total.
 - d. \$25,000 per year the claimant spent on death row as outlined;
 - e. reimbursement for reintegrative services and mental and physical health care costs; and
 - f. reimbursement for unreimbursed costs paid for by the claimant.
24. Prohibits a claimant from receiving compensation for time served concurrently with another lawful incarceration conviction.
25. Requires the court, if the claimant requests additional compensation, to hold an evidentiary hearing and consider the pro per status of the claimant in determining whether additional compensation is warranted.
26. Outlines the evidence a claimant may present in an evidentiary hearing for determining if additional compensation is warranted.
27. States the compensation awarded to the claimant through this Act does not constitute gross income.
28. Directs the courts to order that the award be paid in one lump sum to the claimant.
29. Allows the claimant, in addition to any compensation awarded, reimbursement for:
 - a. mental health treatment for up to 52 clinical hours at a maximum of \$250 per hour within 12 months after the court's order awarding compensation;
 - b. up to 120 credit hours at any postsecondary educational institution, vocational school or trade school; and
 - c. up to four financial planning or literacy classes or consultations within 12 months after the court's order awarding compensation.

30. Details how a court is to determine the amount provided a claimant is entitled to receive.
31. Instructs the court to include in the judgment an award to Arizona that is deducted through this Act.
32. Prohibits the compensation award from being offset by any expenses incurred by Arizona including:
 - a. securing the claimant's custody or feeding, clothing or providing medical services for the claimant; and
 - b. the value of any services or reductions in fees for service, or the value thereof to be provided to the claimant that can be awarded to the claimant.
33. Requires the court, if they find that the claimant is entitled to compensation, to issue a finding that the claimant was erroneously convicted and served a specific amount of time erroneously incarcerated.
34. Directs the court clerk to send a certified copy of the order to the Arizona Department of Administration's (ADOA) Risk Management Revolving Fund (Fund) for payment from the Fund.
35. Instructs ADOA to remit from the Fund the payment to the claimant within 45 days.
36. Requires any outlined reimbursement claims to be submitted to ADOA for approval and paid from the Fund within 14 days after receipt.
37. Requires the county of conviction to reimburse all payments to the claimant from the Risk Management Revolving Fund if the court finds evidence of misconduct by a county or city employee.

Erroneous Conviction Ruling Criteria

38. Requires the court, on entry of an erroneous conviction ruling, to:
 - a. order the associated convictions and arrests expunged from all applicable state and federal systems and the records sealed;
 - b. direct the Arizona Department of Public Safety (DPS) to expunge and destroy any biological samples received by DPS.
39. Outlines what information the expungement order must include.
40. Requires the court clerk to send a certified copy of the order to DPS to implement the order and provide confirmation of the action to the court.
41. States that DPS is not required to expunge and destroy samples or a profile record that is associated with the claimant that relates to an unrelated offense.
42. Directs DPS to seal and separate the expunged record from their records and inform the appropriate state and federal law enforcement agencies of the expungement.

43. Instructs the Arizona Department of Corrections to seal and separate the expunged record from their records and not make the expunged conviction information publicly available.
44. Requires arresting and prosecuting agencies to identify in their records that the claimant was erroneously convicted and the arrest, charge, conviction or adjudication and sentence were expunged.
45. Prohibits arresting and prosecuting agencies from making the outlined records available as a public record to any person except the claimant or their attorney.
46. Requires the claimant to be treated as not having been arrested for or convicted of the expunged offense.
47. Prohibits the expunged arrest, charge, adjudication, conviction or sentence from being used in a subsequent prosecution by a prosecuting agency or court for any purpose.
48. Allows the claimant to state that the claimant has never been arrested for, charged with, adjudicated delinquent for, convicted of or sentenced for the expungement offense.
49. Permits the claimant to request that the actions in this Act and erroneous conviction ruling be sealed.

Miscellaneous

50. States that the court's decision to grant or deny an erroneous conviction claim is not res judicata on any other proceedings.
51. Stipulates that if the court denies an erroneous conviction claim, the claimant can file a direct appeal.
52. Outlines instructions for if the victim has made a request for a post-conviction notice.
53. Details that if the court finds that the claimant is entitled to a judgment, a specified victim is entitled to reimbursement for outlined mental health treatment.
54. States that the victim does not need to establish any other eligibility requirement to receive reimbursement for mental health services.
55. Contains legislative findings.
56. Contains an effective date of January 1, 2026.

LIVINGSTON FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2951
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 12, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 12-102.05, to read:

4 12-102.05. Child and family representation; report

5 A. THE CHILD AND FAMILY REPRESENTATION PROGRAM IS ESTABLISHED
6 IN THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURPOSE OF
7 COLLABORATING WITH SUPERIOR COURTS, JUDGES AND ATTORNEYS TO ENSURE
8 UNIFORM, HIGH-QUALITY LEGAL REPRESENTATION BY ATTORNEYS APPOINTED
9 PURSUANT TO SECTION 8-221.

10 B. THE SUPREME COURT SHALL EMPLOY ADMINISTRATIVE AND OTHER
11 PERSONNEL THAT IT DETERMINES ARE NECESSARY TO PROPERLY ADMINISTER
12 THE PROGRAM, INCLUDING A CHILD AND FAMILY REPRESENTATION COMPLIANCE
13 CHIEF.

14 C. THE PROGRAM SHALL ENHANCE THE PROVISION OF LEGAL
15 REPRESENTATION FOR CHILDREN AND PARENTS BY DOING THE FOLLOWING:

16 1. ASSESSING THE PROVISION AND AVAILABILITY OF HIGH-QUALITY,
17 ACCESSIBLE TRAINING IN THIS STATE FOR PERSONS WHO SERVE AS COUNSEL
18 FOR CHILDREN AND PARENTS AND FOR JUDGES WHO REGULARLY HEAR
19 DEPENDENCY MATTERS.

20 2. MAKING RECOMMENDATIONS TO THE SUPREME COURT CONCERNING THE
21 ESTABLISHMENT OR MODIFICATION, BY COURT RULE, OF MINIMUM TRAINING
22 REQUIREMENTS AND PRACTICE STANDARDS THAT ATTORNEYS WHO SERVE AS
23 COUNSEL SHALL MEET, INCLUDING APPROPRIATE MAXIMUM CASELOADS, MINIMUM
24 RESPONSIBILITIES AND DUTIES AND PRACTICE GUIDELINES.

25 3. AUDITING THE PRACTICE OF COUNSEL TO ENSURE COMPLIANCE WITH
26 ALL RELEVANT STATUTES, COURT RULES, OTHER DIRECTIVES, POLICIES OR
27 PROCEDURES AND CONTRACT PROVISIONS.

1 4. FILING ETHICAL COMPLAINTS AGAINST ATTORNEYS WHO VIOLATE
2 THE RULES OF PROFESSIONAL CONDUCT RELATED TO THE REPRESENTATION OF
3 CHILDREN AND PARENTS IN DEPENDENCY PROCEEDINGS.

4 5. WORKING COOPERATIVELY WITH THE DEPARTMENT OF CHILD SAFETY,
5 THE OFFICE OF THE ATTORNEY GENERAL, JUDGES, ATTORNEYS, CHILDREN AND
6 PARENTS WHO HAVE BEEN IMPACTED BY THE CHILD WELFARE SYSTEM TO FORM
7 PARTNERSHIPS FOR THE PURPOSE OF ENSURING HIGH-QUALITY LEGAL
8 REPRESENTATION FOR CHILDREN AND PARENTS.

9 6. RECOMMENDING FAIR AND REALISTIC COMPENSATION RATES THAT
10 ARE SUFFICIENT TO ATTRACT AND RETAIN HIGH-QUALITY, EXPERIENCED
11 ATTORNEYS TO SERVE AS COURT APPOINTED COUNSEL FOR CHILDREN AND
12 PARENTS.

13 7. SEEKING TO ENHANCE EXISTING FUNDING SOURCES FOR THE
14 PROVISION OF HIGH-QUALITY COUNSEL SERVICES FOR CHILDREN AND PARENTS
15 AND STUDYING THE AVAILABILITY OF OR DEVELOPING NEW FUNDING SOURCES
16 FOR THE PROVISION OF COUNSEL.

17 8. DEVELOPING MEASURES TO ASSESS AND DOCUMENT THE
18 EFFECTIVENESS OF COUNSEL AND THE OUTCOMES ACHIEVED BY CHILDREN WHO
19 ARE REPRESENTED BY COUNSEL IN CONSULTATION WITH STATE AND NATIONAL
20 INTEREST GROUPS WITH AN UNDERSTANDING OF BEST PRACTICES FOR
21 REPRESENTING CHILDREN AND PARENTS IN DEPENDENCY PROCEEDINGS.

22 9. ASSISTING FOSTER PARENTS, FOSTER CHILDREN, BIOLOGICAL
23 PARENTS AND OTHER PERSONS WHO HAVE KNOWLEDGE OF AN ALLEGED VIOLATION
24 WITH FILING ETHICAL COMPLAINTS RELATED TO THE REPRESENTATION OF
25 CHILDREN AND PARENTS IN DEPENDENCY PROCEEDINGS.

26 D. ON OR BEFORE JUNE 30 OF EACH YEAR, THE PROGRAM SHALL
27 REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
28 OF REPRESENTATIVES ON THE MEASURES TAKEN TO ASSESS AND DOCUMENT THE
29 EFFECTIVENESS OF COUNSEL. BEGINNING IN 2030 AND EVERY FIVE YEARS
30 THEREAFTER, THE LEGISLATURE SHALL REVIEW THE PROGRAM OUTCOMES TO
31 DETERMINE WHETHER THE PROGRAM SHOULD BE CONTINUED.

32 Sec. 2. Title 12, chapter 2, Arizona Revised Statutes, is
33 amended by adding article 13, to read:

34 ARTICLE 13. JUDICIAL OFFICER AND EMPLOYEE RESTRICTIONS
35 12-299.15. Court officers; state boards; prohibition
36 NOTWITHSTANDING ANY OTHER LAW, UNLESS EXPRESSLY AUTHORIZED BY
37 THE CONSTITUTION[, ~~STATE LAW OR AN ADMINISTRATIVE ORDER OF THE~~
38 ~~COURT~~], AN ELECTED OR APPOINTED JUDICIAL OFFICER OR AN EMPLOYEE OF
39 THE JUDICIAL BRANCH MAY NOT SERVE ON ANY [STATE-AUTHORIZED] BOARD,
40 COMMISSION, COUNCIL OR TASK FORCE.

41 12-299.16. Court officers; family law; salary increase;
42 prohibition

43 FOR FISCAL YEARS 2025-2026, 2026-2027 AND 2027-2028, A
44 JUDICIAL OFFICER OR AN EMPLOYEE WHO HANDLES FAMILY LAW MATTERS MAY
45 NOT RECEIVE A SALARY INCREASE, RAISE, BONUS OR COST OF LIVING
46 ADJUSTMENT.

1 Sec. 3. Delayed repeal
2 Section 12-299.16, Arizona Revised Statutes, as added by this
3 act, is repealed from and after June 30, 2028.

4 <<Sec. 4. Title 12, chapter 6, article 15, Arizona Revised
5 Statutes, is amended by adding section 12-751.01, to read:

6 12-751.01. Attorney general; county attorney;
7 litigation; lawful exercise of
8 constitutional rights; approval;
9 legislative committees

10 [If any litigant has established by prima facie evidence in
11 any court of competent jurisdiction that a legal action brought by
12 the attorney general or any county attorney was substantially
13 motivated by a desire to deter, retaliate against or prevent the
14 lawful exercise of a constitutional right pursuant to section
15 12-751, subsection B, the attorney general or county attorney shall
16 obtain approval from a majority of the committee members in the
17 house of representatives and the senate with jurisdiction over
18 judiciary matters before filing any legal actions against any person
19 related to an election.]]>>

20 Sec. 5. Section 13-2314.01, Arizona Revised Statutes, is
21 amended to read:

22 13-2314.01. Anti-racketeering revolving fund; use of
23 monies; reports; audit

24 A. The anti-racketeering revolving fund is established. The
25 attorney general shall administer the fund [ONLY] under the
26 conditions and for the purposes provided by this section. Monies in
27 the fund are exempt from the lapsing provisions of section 35-190.
28 [MONIES IN THE FUND MAY NOT BE TRANSFERRED TO THE STATE GENERAL
29 FUND.]

30 B. Any prosecution and investigation costs, including
31 attorney fees, that are recovered for the state by the attorney
32 general as a result of enforcement of civil and criminal statutes
33 pertaining to any offense included in the definition of racketeering
34 in section 13-2301, subsection D, paragraph 4 or section 13-2312,
35 whether by final judgment, settlement or otherwise, shall be
36 deposited in the fund established by this section.

37 C. Any monies received by any department or agency of this
38 state or any political subdivision of this state from any department
39 or agency of the United States or another state as a result of
40 participation in any investigation or prosecution, whether by final
41 judgment, settlement or otherwise, shall be deposited in the fund
42 established by this section or, if the recipient is a political
43 subdivision of this state, may be deposited in the fund established
44 pursuant to section 13-2314.03.

45 D. Any monies obtained as a result of a forfeiture by any
46 department or agency of this state under this title or under federal

1 law shall be deposited in the fund established by this section. Any
2 monies or other property obtained as a result of a forfeiture by any
3 political subdivision of this state or the federal government may be
4 deposited in the fund established by this section. Monies deposited
5 in the fund pursuant to this section or section 13-4315 shall accrue
6 interest and shall be held for the benefit of the agency or agencies
7 responsible for the seizure or forfeiture to the extent of their
8 contribution.

9 E. Except as provided in subsections H and I of this section,
10 the monies and interest shall be distributed within thirty days
11 after application to the agency or agencies responsible for the
12 seizure or forfeiture. The agency or agencies applying for monies
13 must submit an application in writing to the attorney general that
14 includes a description of what the requested monies will be used
15 for. The attorney general may deny an application that requests
16 monies for a purpose that is not authorized by this section, section
17 13-4315 or federal law. Monies in the fund used by the attorney
18 general for capital projects in excess of \$1,000,000 are subject to
19 review by the joint committee on capital review.

20 F. Monies in the fund may be used for the following:

21 1. Funding gang prevention programs, substance abuse
22 prevention programs, substance abuse education programs, programs
23 that provide assistance to victims of a criminal offense that is
24 listed in section 13-2301 and witness protection pursuant to section
25 41-196 or for any purpose permitted by federal law relating to
26 disposing of any property that is transferred to a law enforcement
27 agency.

28 2. Investigating and prosecuting any offense included in the
29 definition of racketeering in section 13-2301, subsection D,
30 paragraph 4 or section 13-2312, including civil enforcement.

31 3. Paying the relocation expenses of any law enforcement
32 officer and the officer's immediate family if the law enforcement
33 officer is the victim of a bona fide threat that occurred because of
34 the law enforcement officer's duties.

35 4. Paying the costs of the reports, audits and application
36 approvals that are required by this section.

37 G. Notwithstanding subsection F of this section, beginning
38 from and after August 27, 2025, the attorney general may not use
39 monies from the fund to pay salaries for full-time equivalent
40 positions in the attorney general's office.

41 H. On or before January 28, April 28, July 28 and October 28
42 of each year, each department or agency of this state receiving
43 monies pursuant to this section or section 13-2314.03 or 13-4315 or
44 from any department or agency of the United States or another state
45 as a result of participation in any investigation or prosecution
46 shall file with the attorney general, the board of supervisors if

1 the sheriff received the monies and the city or town council if the
2 city's or town's department received the monies a report for the
3 previous calendar quarter. The report shall be in an electronic
4 form that is prescribed by the Arizona criminal justice commission
5 and approved by the director of the joint legislative budget
6 committee. The report shall set forth the sources of all monies and
7 all expenditures as required by subsection L of this section. The
8 report shall not include any identifying information about specific
9 investigations. If a department or agency of this state fails to
10 file a report within forty-five days after the report is due and
11 there is no good cause as determined by the Arizona criminal justice
12 commission, the attorney general shall make no expenditures from the
13 fund for the benefit of the department or agency until the report is
14 filed. The attorney general is responsible for collecting all
15 reports from departments and agencies of this state and transmitting
16 the reports to the Arizona criminal justice commission at the time
17 that the report required pursuant to subsection I of this section is
18 submitted.

19 I. On or before February 21, May 21, August 21 and November
20 21 of each year, the attorney general shall file with the Arizona
21 criminal justice commission a report for the previous calendar
22 quarter. The report shall be in an electronic form that is
23 prescribed by the Arizona criminal justice commission and approved
24 by the director of the joint legislative budget committee. The
25 report shall set forth the sources of all monies and all
26 expenditures as required by subsections K and L of this section.
27 The report shall not include any identifying information about
28 specific investigations. If the attorney general fails to file a
29 report within sixty days after the report is due and there is no
30 good cause as determined by the Arizona criminal justice commission,
31 the attorney general shall make no expenditures from the fund for
32 the benefit of the attorney general until the report is filed. If a
33 political subdivision of this state fails to file a report with the
34 county attorney pursuant to section 13-2314.03 within forty-five
35 days after the report is due and there is no good cause as
36 determined by the Arizona criminal justice commission, the attorney
37 general shall make no expenditures from the fund for the benefit of
38 the political subdivision until the report is filed.

39 J. On or before the last day of February, May, August and
40 November of each year, the Arizona criminal justice commission shall
41 compile the attorney general report and the reports of all
42 departments and agencies of this state into a single comprehensive
43 report for the previous calendar quarter and shall submit an
44 electronic copy of the report to the governor, the director of the
45 department of administration, the president of the senate, the

- 1 speaker of the house of representatives, the director of the joint
2 legislative budget committee and the secretary of state.
- 3 K. The report that is required by subsection I of this
4 section must include all of the following information if monies were
5 obtained as a result of a forfeiture:
- 6 1. The name of the law enforcement agency that seized the
7 property.
 - 8 2. The date of the seizure for forfeiture.
 - 9 3. The type of property seized and a description of the
10 property seized, including, if applicable, the make, the model and
11 the serial number of the property.
 - 12 4. The location of the original seizure by law enforcement.
 - 13 5. The estimated value of the property seized for forfeiture,
14 not excluding encumbrances.
 - 15 6. The criminal statute that allowed the seizure for
16 forfeiture.
 - 17 7. The criminal statute charged in the criminal case that is
18 related to the forfeiture case.
 - 19 8. The court case number of the criminal case that is related
20 to the forfeiture case.
 - 21 9. The outcome of the criminal case that is related to the
22 forfeiture case.
 - 23 10. If the property was seized by a state agency and
24 submitted for state forfeiture proceedings but was transferred to
25 federal authorities for forfeiture proceedings, the reason for the
26 federal transfer.
 - 27 11. The forfeiture case number.
 - 28 12. The method of forfeiture proceeding, including whether it
29 was criminal or civil, and if civil, whether a claim was filed by an
30 owner or interest holder.
 - 31 13. The venue of the forfeiture action.
 - 32 14. Whether a person or entity filed a claim or counterclaim
33 or submitted a petition asserting an interest in the property as an
34 owner, interest holder or injured person.
 - 35 15. Whether the owner, interest holder or injured person was
36 assisted by an attorney in the forfeiture case.
 - 37 16. The date of the forfeiture decision.
 - 38 17. Whether there was a forfeiture settlement agreement.
 - 39 18. Whether the property was awarded or partially awarded to
40 the owner, partial owner or injured person or if the property was
41 forfeited to the state.
 - 42 19. Whether the property was sold, destroyed or retained by
43 law enforcement.
 - 44 20. The earliest date that the property was disposed of or
45 sent for disposition.

- 1 21. The net amount of monies and proceeds received from the
2 forfeiture.
- 3 22. The estimated administrative and storage costs and any
4 other costs, including any costs of litigation.
- 5 23. The amount of attorney fees, costs, expenses and damages
6 awarded and to whom the fees, costs, expenses or damages were
7 awarded.
- 8 L. The reports that are required by subsections H and I of
9 this section must include the following information with regard to
10 all expenditures made from the fund for:
- 11 1. Crime, gang and substance abuse prevention programs.
12 2. Any injured person as defined in section 13-4301.
13 3. Witness protection.
14 4. Investigation costs, including informant fees and buy
15 money.
16 5. Regular-time salaries, overtime pay and employee benefits
17 of prosecutors.
18 6. Regular-time salaries, overtime pay and employee benefits
19 of sworn law enforcement agency personnel other than prosecutors.
20 7. Regular-time salaries, overtime pay and employee benefits
21 of unsworn law enforcement agency personnel other than prosecutors.
22 8. Professional or outside services, including services
23 related to auditing, outside attorney fees, court reporting, expert
24 witnesses and other court costs.
25 9. Travel and meals.
26 10. Training.
27 11. Conferences.
28 12. Vehicles purchased or leased.
29 13. Vehicle maintenance.
30 14. Canines, firearms and related equipment, including
31 tactical gear.
32 15. Other capital expenditures, including furniture,
33 computers and office equipment.
34 16. External publications and communications.
35 17. Other operating expenses, including office supplies,
36 postage and printing. Expenses listed under this paragraph must be
37 separately categorized.
- 38 M. Beginning in 2018 and every other year thereafter, the
39 auditor general shall conduct a performance audit, as defined in
40 section 41-1278, and a financial audit of the attorney general's use
41 of monies in the fund. The audits must include all expenditures
42 that were made by the attorney general's office from the fund for
43 the previous two years. The auditor general shall submit copies of
44 the performance and financial audits to the president of the senate,
45 the speaker of the house of representatives and the chairpersons of
46 the senate judiciary committee and the house of representatives

1 judiciary and public safety committee, or their successor
2 committees. The attorney general shall pay any fees and costs of
3 the audits under this section from the fund.

4 ~~[N. ANY MONIES DEPOSITED IN THE FUND PURSUANT TO THIS SECTION
5 AND DISTRIBUTED TO LOCAL POLITICAL SUBDIVISIONS ARE SUBJECT TO THE
6 CONDITIONS AND PURPOSES PROVIDED IN THIS SECTION.]~~

7 <<Sec. 6. Title 13, chapter 38, Arizona Revised Statutes, is
8 amended by adding article 15, to read:

9 ARTICLE 15. ERRONEOUS CONVICTIONS

10 13-4005. Erroneous convictions; compensation

11 [A. NOTWITHSTANDING ANY OTHER LAW, A CLAIMANT MAY BRING AN
12 ACTION IN SUPERIOR COURT SEEKING COMPENSATION FROM THIS STATE IF THE
13 CLAIMANT ESTABLISHES, BY A PREPONDERANCE OF THE EVIDENCE, THAT ALL
14 OF THE FOLLOWING APPLY:

15 1. THE CLAIMANT WAS CONVICTED OF A FELONY AND SUBSEQUENTLY
16 INCARCERATED.

17 2. THE CLAIMANT DID NOT COMMIT THE CRIME OR CRIMES FOR WHICH
18 THE CLAIMANT WAS CONVICTED.

19 3. THE CLAIMANT DID NOT COMMIT PERJURY, FABRICATE EVIDENCE OR
20 BY THE CLAIMANT'S OWN CONDUCT CAUSE OR BRING ABOUT THE
21 CONVICTION. A CONFESSION OR ADMISSION LATER FOUND TO BE FALSE OR A
22 GUILTY PLEA DOES NOT CONSTITUTE COMMITTING PERJURY, FABRICATING
23 EVIDENCE OR CAUSING OR BRINGING ABOUT THE CONVICTION.

24 4. ONE OF THE FOLLOWING APPLIES:

25 (a) THE CLAIMANT WAS PARDONED BASED ON INNOCENCE.

26 (b) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR
27 VACATED AND THE CHARGES WERE DISMISSED OR THE CLAIMANT WAS FOUND NOT
28 GUILTY ON RETRIAL.

29 (c) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR
30 VACATED AND THE CLAIMANT ENTERED AN ALFORD PLEA OR A PLEA OF NO
31 CONTEST, WHILE MAINTAINING A CLAIM OF INNOCENCE, AFTER THE
32 CONVICTION WAS OVERTURNED, REVERSED OR VACATED ON DIRECT APPEAL OR
33 POSTCONVICTION REVIEW WHEN THE CLAIMANT WOULD OTHERWISE HAVE BEEN
34 ENTITLED TO A NEW TRIAL.

35 B. ALL PLEADINGS SHALL BE ENTITLED "IN THE MATTER OF THE
36 ERRONEOUS CONVICTION OF ". THE CLAIMANT SHALL SERVE THE
37 ATTORNEY GENERAL WITH A COPY OF THE CLAIM. THE COURT SHALL DECIDE
38 THE CLAIM. THE ARIZONA RULES OF CIVIL PROCEDURE APPLY. THE ACTION
39 SHALL BE BROUGHT IN THE COUNTY OF CONVICTION OR IN MARICOPA COUNTY.

40 C. THE CLAIMANT SHALL BRING THE CLAIM WITHIN TWO YEARS AFTER
41 ONE OF THE FOLLOWING OCCURS:

42 1. THE CLAIMANT'S CONVICTION IS OVERTURNED OR VACATED AND THE
43 CHARGES AGAINST THE CLAIMANT ARE DISMISSED, THE CLAIMANT IS FOUND
44 NOT GUILTY ON RETRIAL OR THE CLAIMANT ENTERS A PLEA OF NO CONTEST,
45 WHICHEVER OCCURS LATER.

46 2. THE CLAIMANT IS PARDONED BASED ON INNOCENCE.

1 3. THE EFFECTIVE DATE OF THIS SECTION IF THE CLAIMANT WAS
2 CONVICTED, INCARCERATED AND RELEASED FROM CUSTODY BEFORE THE
3 EFFECTIVE DATE OF THIS SECTION.

4 D. THE ATTORNEY GENERAL SHALL RESPOND WITHIN THIRTY DAYS TO
5 THE CLAIM. THE ATTORNEY GENERAL MAY REQUEST A SINGLE THIRTY-DAY
6 EXTENSION TO RESPOND ON A SHOWING OF GOOD CAUSE. THE PARTIES MAY
7 STIPULATE TO AN ADDITIONAL EXTENSION OF TIME. IN THE RESPONSE, THE
8 ATTORNEY GENERAL MAY REQUEST THE COURT TO MAKE FINDINGS OF FACT THAT
9 THERE IS EVIDENCE OF MISCONDUCT ON THE PART OF A COUNTY EMPLOYEE.

10 E. IF THE ATTORNEY GENERAL DOES NOT OBJECT IN THE RESPONSE,
11 THE COURT SHALL ENTER AN ORDER GRANTING THE ERRONEOUS CONVICTION
12 CLAIM. IF THE ATTORNEY GENERAL OBJECTS, THE COURT SHALL ORDER AND
13 HOLD AN EVIDENTIARY HEARING. A COURT ORDER THAT GRANTS OR DENIES
14 THE CLAIM SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW. IF
15 REQUESTED BY THE ATTORNEY GENERAL, THE COURT SHALL MAKE FINDINGS OF
16 FACT REGARDING WHETHER THERE IS EVIDENCE OF MISCONDUCT ON THE PART
17 OF A COUNTY EMPLOYEE. IF NOT REQUESTED BY THE ATTORNEY GENERAL, THE
18 COURT, ON ITS OWN MOTION, MAY FIND THAT THERE IS EVIDENCE OF
19 MISCONDUCT ON THE PART OF A COUNTY EMPLOYEE.

20 F. IF THE COURT ENTERS AN ORDER GRANTING THE CLAIM, THE COURT
21 SHALL AWARD COMPENSATION AS FOLLOWS:

22 1. FOR EACH YEAR THE CLAIMANT WAS INCARCERATED, TWO HUNDRED
23 PERCENT OF THE MEDIAN HOUSEHOLD INCOME IN THIS STATE AS IT EXISTED
24 ON THE DATE THE CLAIMANT WAS INCARCERATED AND AS DETERMINED BY THE
25 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND
26 ADJUSTED FOR INFLATION USING THE CONSUMER PRICE INDEX FOR URBAN
27 CONSUMERS. THE AMOUNT FOR ANY PARTIAL YEAR SHALL BE PRORATED IN
28 ORDER TO COMPENSATE THE CLAIMANT ONLY FOR THE PORTION OF THE YEAR IN
29 WHICH THE CLAIMANT WAS INCARCERATED. THE CLAIMANT MAY NOT RECEIVE
30 COMPENSATION FOR ANY PERIOD OF TIME FOR WHICH THE CLAIMANT WAS
31 CONCURRENTLY SERVING ANOTHER SENTENCE FOR A CONVICTION OF ANOTHER
32 OFFENSE FOR WHICH THE CLAIMANT WAS LAWFULLY INCARCERATED.

33 2. THE CLAIMANT MAY REQUEST MORE THAN THE AMOUNT OF
34 COMPENSATION AWARDED PURSUANT TO PARAGRAPH 1 OF THIS
35 SUBSECTION. ANY ADDITIONAL AMOUNT OF COMPENSATION AWARDED SHALL BE
36 PAID FROM THE DEPARTMENT OF ADMINISTRATION'S RISK MANAGEMENT
37 REVOLVING FUND PURSUANT TO SUBSECTION M OF THIS SECTION. IF THE
38 CLAIMANT REQUESTS ADDITIONAL COMPENSATION, THE COURT MUST HOLD AN
39 EVIDENTIARY HEARING. THE COURT SHALL CONSIDER THE PRO PER STATUS OF
40 THE CLAIMANT IN DETERMINING WHETHER ADDITIONAL COMPENSATION IS
41 WARRANTED. THE CLAIMANT MAY PRESENT EVIDENCE OF OTHER DAMAGES THE
42 CLAIMANT SUFFERED ARISING FROM OR RELATED TO THE CLAIMANT'S ARREST,
43 PROSECUTION, CONVICTION AND INCARCERATION. THE COURT MAY AWARD UP
44 TO \$500,000 IN ADDITIONAL COMPENSATION.

45 3. \$25,000 PER YEAR FOR EACH YEAR THE CLAIMANT SPENT ON DEATH
46 ROW OR, IF THE CLAIMANT WAS REQUIRED TO REGISTER PURSUANT TO SECTION

1 13-3821, FOR EACH YEAR THE CLAIMANT COMPLIED WITH THE REGISTRATION
2 REQUIREMENTS.
3 4. REIMBURSEMENT OF NOT MORE THAN \$100,000 FOR REINTEGRATIVE
4 SERVICES AND MENTAL AND PHYSICAL HEALTH CARE COSTS THAT THE CLAIMANT
5 INCURRED FOR THE TIME PERIOD BETWEEN THE CLAIMANT'S RELEASE FROM
6 CUSTODY AND THE ENTRY OF JUDGMENT.
7 5. REIMBURSEMENT FOR UNREIMBURSED COSTS, FINES, FEES OR
8 SURCHARGES THAT WERE IMPOSED ON THE CLAIMANT AS A RESULT OF THE
9 ERRONEOUS CONVICTION AND THAT WERE PAID BY OR ON BEHALF OF THE
10 CLAIMANT.
11 6. REIMBURSEMENT FOR UNREIMBURSED RESTITUTION THAT WAS PAID
12 BY OR ON BEHALF OF THE CLAIMANT AS A RESULT OF THE ERRONEOUS
13 CONVICTION.
14 7. REASONABLE ATTORNEY FEES AND COSTS OF NOT MORE THAN
15 \$25,000 UNLESS THE COURT AUTHORIZES A GREATER REASONABLE TOTAL ON A
16 FINDING OF GOOD CAUSE SHOWN.
17 G. COMPENSATION AWARDED TO THE CLAIMANT PURSUANT TO THIS
18 SECTION DOES NOT CONSTITUTE GROSS INCOME FOR THE PURPOSES OF TITLE
19 42 OR 43.
20 H. THE COURT SHALL ORDER THAT THE AWARD BE PAID IN ONE LUMP
21 SUM TO THE CLAIMANT.
22 I. IN ADDITION TO THE COMPENSATION AWARDED PURSUANT TO
23 SUBSECTION F OF THIS SECTION, THE CLAIMANT IS ENTITLED TO THE
24 FOLLOWING SERVICES FROM LICENSED OR ACCREDITED STATE INSTITUTIONS,
25 AGENCIES OR PROVIDERS WITHIN THIS STATE:
26 1. REIMBURSEMENT FOR MENTAL HEALTH TREATMENT FOR UP TO
27 FIFTY-TWO CLINICAL HOURS AT A MAXIMUM OF \$250 PER HOUR WITHIN TWELVE
28 MONTHS AFTER THE COURT'S ORDER AWARDING COMPENSATION.
29 2. REIMBURSEMENT FOR UP TO ONE HUNDRED TWENTY CREDIT HOURS AT
30 ANY POSTSECONDARY EDUCATIONAL INSTITUTION, VOCATIONAL SCHOOL OR
31 TRADE SCHOOL.
32 3. REIMBURSEMENT FOR UP TO FOUR FINANCIAL PLANNING OR
33 LITERACY CLASSES OR CONSULTATIONS WITHIN TWELVE MONTHS AFTER THE
34 COURT'S ORDER AWARDING COMPENSATION.
35 J. IF, AT THE TIME THE COURT ENTERS A JUDGMENT PURSUANT TO
36 SUBSECTION F OF THIS SECTION, THE CLAIMANT HAS WON A MONETARY
37 JUDGMENT AGAINST THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS
38 STATE IN A CIVIL ACTION RELATED TO THE ERRONEOUS CONVICTION OR HAS
39 ENTERED INTO A SETTLEMENT AGREEMENT WITH THIS STATE OR ANY POLITICAL
40 SUBDIVISION OF THIS STATE RELATED TO THE ERRONEOUS CONVICTION, THE
41 COURT SHALL DEDUCT THE AMOUNT AWARDED IN THE ACTION OR THE AMOUNT
42 RECEIVED IN THE SETTLEMENT AGREEMENT, LESS ANY SUMS PAID TO AN
43 ATTORNEY OR FOR COSTS IN LITIGATING THE OTHER CIVIL ACTION OR
44 OBTAINING THE SETTLEMENT AGREEMENT, FROM THE MONIES THAT THE
45 CLAIMANT IS ENTITLED TO RECEIVE UNDER THIS SECTION. THE COURT SHALL

1 INCLUDE IN THE JUDGMENT AN AWARD TO THIS STATE OF ANY AMOUNT THAT IS
2 DEDUCTED PURSUANT TO THIS SUBSECTION.

3 K. IF SUBSECTION J OF THIS SECTION DOES NOT APPLY, ANY FUTURE
4 DAMAGES THAT ARE AWARDED TO THE CLAIMANT RESULTING FROM AN ACTION BY
5 THE CLAIMANT AGAINST ANY UNIT OF GOVERNMENT IN THIS STATE BY REASON
6 OF THE ERRONEOUS CONVICTION SHALL BE OFFSET BY THE COMPENSATION
7 AWARD RECEIVED UNDER THIS SECTION.

8 L. THE COMPENSATION AWARD MAY NOT BE OFFSET BY ANY EXPENSES
9 INCURRED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE,
10 INCLUDING THE FOLLOWING:

11 1. ANY EXPENSES THAT THIS STATE OR A POLITICAL SUBDIVISION OF
12 THIS STATE INCURRED TO SECURE THE CLAIMANT'S CUSTODY OR TO FEED,
13 CLOTHE OR PROVIDE MEDICAL SERVICES FOR THE CLAIMANT.

14 2. THE VALUE OF ANY SERVICES OR REDUCTION IN FEES FOR
15 SERVICE, OR THE VALUE THEREOF TO BE PROVIDED TO THE CLAIMANT THAT
16 MAY BE AWARDED TO THE CLAIMANT PURSUANT TO THIS SECTION.

17 M. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO
18 COMPENSATION, THE COURT SHALL ISSUE A FINDING THAT THE CLAIMANT WAS
19 ERRONEOUSLY CONVICTED AND, AS A RESULT, SERVED A SPECIFIC AMOUNT OF
20 TIME ERRONEOUSLY INCARCERATED. THE CLERK OF THE COURT SHALL SEND A
21 CERTIFIED COPY OF THE ORDER TO THE DEPARTMENT OF ADMINISTRATION'S
22 RISK MANAGEMENT REVOLVING FUND FOR PAYMENT FROM THE RISK MANAGEMENT
23 REVOLVING FUND ESTABLISHED PURSUANT TO SECTION 41-622. THE
24 DEPARTMENT OF ADMINISTRATION SHALL REMIT FROM THE RISK MANAGEMENT
25 REVOLVING FUND THE PAYMENT TO THE CLAIMANT WITHIN FORTY-FIVE
26 DAYS. ANY CLAIMS FOR REIMBURSEMENT UNDER SUBSECTION I OF THIS
27 SECTION SHALL BE SUBMITTED TO THE DEPARTMENT OF ADMINISTRATION FOR
28 APPROVAL AND PAID FROM THE RISK MANAGEMENT REVOLVING FUND WITHIN
29 FOURTEEN DAYS AFTER RECEIPT. IF THE COURT MADE FINDINGS OF FACT
30 THAT THERE WAS EVIDENCE OF MISCONDUCT ON THE PART OF A COUNTY
31 EMPLOYEE THAT RESULTED IN THE PARDONING, REVERSAL OR VACATING OF A
32 CONVICTION, THE COUNTY OF CONVICTION SHALL REIMBURSE ALL PAYMENTS
33 MADE FROM THE RISK MANAGEMENT REVOLVING FUND TO THE CLAIMANT.

34 N. NOTWITHSTANDING ANY OTHER LAW, ON ENTRY OF AN ERRONEOUS
35 CONVICTION RULING, THE COURT SHALL:

36 1. ORDER THE CLAIMANT'S ASSOCIATED CONVICTIONS AND ARRESTS
37 EXPUNGED FROM ALL APPLICABLE STATE AND FEDERAL SYSTEMS AND THE
38 RECORDS SEALED. THE COURT SHALL ENTER THE EXPUNGEMENT ORDER FOR THE
39 OFFENSE OR OFFENSES FOR WHICH THE RULING APPLIES REGARDLESS OF
40 WHETHER THE CLAIMANT HAS A HISTORICAL PRIOR FELONY CONVICTION. THE
41 EXPUNGEMENT ORDER SHALL STATE ALL OF THE FOLLOWING:

42 (a) THE CLAIMANT'S CURRENT FULL NAME.

43 (b) THE CLAIMANT'S FULL NAME AT THE TIME OF ARREST AND
44 CONVICTION, IF DIFFERENT THAN THE CLAIMANT'S CURRENT NAME.

45 (c) THE CLAIMANT'S SEX, RACE AND DATE OF BIRTH.

1 (d) THE OFFENSE FOR WHICH THE CLAIMANT WAS ARRESTED AND
2 CONVICTED.

3 (e) THE DATES OF THE CLAIMANT'S ARREST AND CONVICTION.

4 (f) THE IDENTITY OF THE ARRESTING LAW ENFORCEMENT AGENCY AND
5 CONVICTING COURT.

6 (g) THAT THE ORDER EXPUNGES ANY RECORD OF THE CLAIMANT'S
7 ARREST, CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE.

8 (h) THAT THE CLAIMANT'S CIVIL RIGHTS, INCLUDING THE RIGHT TO
9 POSSESS FIREARMS, ARE RESTORED, UNLESS THE CLAIMANT IS OTHERWISE NOT
10 ELIGIBLE FOR THE RESTORATION OF CIVIL RIGHTS ON GROUNDS OTHER THAN
11 THE CONVICTION AT ISSUE.

12 (i) THAT THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT
13 OF PUBLIC SAFETY, THE PROSECUTING AGENCY AND THE ARRESTING LAW
14 ENFORCEMENT AGENCY, IF APPLICABLE, OF THE EXPUNGEMENT ORDER.

15 (j) THAT THE CLERK OF THE COURT SHALL SEAL THE CLAIMANT'S
16 COURT RECORDS RELATING TO THE EXPUNGED ARREST, CHARGE, CONVICTION OR
17 ADJUDICATION AND SENTENCE AND ALLOW THE CLAIMANT'S RECORDS TO BE
18 ACCESSED ONLY BY THE CLAIMANT OR THE CLAIMANT'S ATTORNEY.

19 2. DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO EXPUNGE AND
20 DESTROY ANY BIOLOGICAL SAMPLES, INCLUDING DNA AND FINGERPRINT
21 SAMPLES, RECEIVED BY THE DEPARTMENT PURSUANT TO SECTION 13-610. THE
22 CLERK OF THE COURT SHALL SEND A CERTIFIED COPY OF THE ORDER TO THE
23 DEPARTMENT OF PUBLIC SAFETY, WHICH SHALL IMPLEMENT THE ORDER AND
24 PROVIDE CONFIRMATION OF THE ACTION TO THE COURT. THIS PARAGRAPH
25 DOES NOT REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO EXPUNGE AND
26 DESTROY SAMPLES OR A PROFILE RECORD THAT IS ASSOCIATED WITH THE
27 CLAIMANT AND THAT RELATES TO AN UNRELATED OFFENSE.

28 O. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE
29 THE EXPUNGED RECORD FROM THE DEPARTMENT'S RECORDS AND SHALL INFORM
30 ALL APPROPRIATE STATE AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE
31 EXPUNGEMENT AT NO COST TO THE CLAIMANT. THE STATE DEPARTMENT OF
32 CORRECTIONS SHALL SEAL AND SEPARATE THE EXPUNGED RECORD FROM THE
33 DEPARTMENT'S RECORDS AND MAY NOT MAKE INFORMATION RELATED TO THE
34 EXPUNGED CONVICTION PUBLICLY AVAILABLE THROUGH ANY DEPARTMENT
35 DATABASE.

36 P. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY
37 IDENTIFY IN EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE
38 CLAIMANT WAS ERRONEOUSLY CONVICTED AND THAT THE ARREST, CHARGE,
39 CONVICTION OR ADJUDICATION AND SENTENCE ARE EXPUNGED AND MAY NOT
40 MAKE ANY RECORDS OF THE EXPUNGED ARREST, CHARGE, CONVICTION OR
41 ADJUDICATION AND SENTENCE AVAILABLE AS A PUBLIC RECORD TO ANY PERSON
42 EXCEPT TO THE CLAIMANT OR THE CLAIMANT'S ATTORNEY.

43 Q. PURSUANT TO THE EXPUNGEMENT ORDER, THE CLAIMANT SHALL BE
44 TREATED AS NOT HAVING BEEN ARRESTED FOR, ADJUDICATED DELINQUENT FOR
45 OR CONVICTED OF THE EXPUNGED OFFENSE. THE EXPUNGED ARREST, CHARGE,
46 ADJUDICATION, CONVICTION OR SENTENCE MAY NOT BE USED IN A SUBSEQUENT

1 PROSECUTION BY A PROSECUTING AGENCY OR COURT FOR ANY PURPOSE. THE
2 CLAIMANT MAY STATE THAT THE CLAIMANT HAS NEVER BEEN ARRESTED FOR,
3 CHARGED WITH, ADJUDICATED DELINQUENT FOR, CONVICTED OF OR SENTENCED
4 FOR THE OFFENSE THAT IS THE SUBJECT OF THE EXPUNGEMENT.

5 R. THE CLAIMANT MAY REQUEST THAT THIS ACTION AND ERRONEOUS
6 CONVICTION RULING BE SEALED.

7 S. THE COURT'S DECISION TO GRANT OR DENY AN ERRONEOUS
8 CONVICTION CLAIM IS NOT RES JUDICATA ON ANY OTHER PROCEEDINGS.

9 T. IF THE COURT DENIES AN ERRONEOUS CONVICTION CLAIM, THE
10 CLAIMANT MAY FILE A DIRECT APPEAL PURSUANT TO SECTION 13-4033,
11 SUBSECTION A, PARAGRAPH 3.

12 U. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION
13 NOTICE, THE ATTORNEY GENERAL SHALL PROVIDE THE VICTIM WITH NOTICE OF
14 THE CLAIMANT'S CLAIM AND OF THE RIGHTS PROVIDED TO THE VICTIM IN
15 THIS SECTION. THE RIGHTS AND DUTIES PRESCRIBED IN CHAPTER 40 OF THIS
16 TITLE CONTINUE TO BE ENFORCEABLE THROUGHOUT THE PROCEEDINGS UNDER
17 THIS SECTION.

18 V. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO A
19 JUDGMENT, A VICTIM AS DEFINED IN SECTION 13-4401 IS ENTITLED TO
20 REIMBURSEMENT FOR MENTAL HEALTH TREATMENT FOR UP TO FIFTY-TWO
21 CLINICAL HOURS WITHIN TWELVE MONTHS AFTER THE COURT'S ORDER AWARDING
22 COMPENSATION AT A MAXIMUM OF \$250 PER HOUR PURSUANT TO THE VICTIM
23 COMPENSATION AND ASSISTANCE FUND ESTABLISHED BY SECTION
24 41-2407. THE VICTIM DOES NOT NEED TO ESTABLISH ANY OTHER
25 ELIGIBILITY REQUIREMENTS TO RECEIVE REIMBURSEMENT FOR MENTAL HEALTH
26 SERVICES.]>>

27 Sec. 7. Section 31-227, Arizona Revised Statutes, is amended
28 to read:

29 31-227. Expenses of prosecution; reimbursement of
30 counties

31 A. If a person is arrested within this state for any crime
32 committed in or adjacent and related to a correctional facility
33 under the jurisdiction of the state department of corrections or
34 committed while escaped from a correctional facility under the
35 jurisdiction of the department or from the custody of officials or
36 employees of the department while away from the correctional
37 facility, the clerk of the court in which the legal proceedings
38 relating to the crime are held shall prepare an itemized claim
39 PURSUANT TO AN EXISTING INTERGOVERNMENTAL AGREEMENT WITH THE STATE
40 DEPARTMENT OF CORRECTIONS against the state for the court costs and
41 any other costs or fees incurred by the county on the prosecution
42 and defense of the case and the cost of confining and keeping the
43 prisoner. The claim shall be certified by the judge of the court,
44 sent to the state department of corrections.

45 B. ON RECEIPT OF THE CLAIM, THE STATE DEPARTMENT OF
46 CORRECTIONS SHALL FILE THE CLAIM WITH THE DEPARTMENT OF

1 ADMINISTRATION and ~~paid~~ SHALL PAY THE CLAIM from the appropriation
2 for the support of the state department of corrections to the county
3 treasurer of the county where the legal proceedings were held. The
4 county treasurer shall deposit the monies in the county general
5 fund.

6 <<Sec. 8. Section 41-1234, Arizona Revised Statutes, is
7 amended to read:

8 41-1234. Publicly funded contract lobbyists;
9 prohibition

10 A. Notwithstanding any other law, a state agency, office,
11 department, board or commission and any person acting on behalf of a
12 state agency, office, department, board or commission shall not:

13 1. Enter into a contract or other agreement with a person or
14 entity for lobbying services.

15 2. Spend monies for any person or entity to lobby on behalf
16 of that agency, office, department, board or commission unless that
17 person is a state employee.

18 B. This section does not apply to any state agency, office,
19 department, board or commission that is either:

20 1. Headed by one or more elected officials.

21 2. Exempt from ~~[title 41,]~~ chapter 23 ~~[OF THIS TITLE]~~ for the
22 purposes of contracts for professional lobbyists ~~[EXCEPT FOR THE~~
23 ~~JUDICIAL BRANCH]~~.

24 C. This section does not apply to the employment relationship
25 of a lobbyist who is a state employee directly employed by a state
26 governmental unit for ~~[whom]~~ ~~[WHICH]~~ the employee acts as a lobbyist
27 or lobbying is part of the employee's job description.

28 ~~[D. For the purposes of this section, "state employee" has~~
29 ~~the same meaning prescribed in section 41-1231.] >>~~

30 <<Sec. 9. Section 41-2404, Arizona Revised Statutes, is
31 amended to read:

32 41-2404. Arizona criminal justice commission; members;
33 compensation; terms; meetings

34 A. The Arizona criminal justice commission is established
35 consisting of the following members:

36 1. The attorney general or the attorney general's designee.

37 2. The director of the department of public safety or the
38 director's designee.

39 3. The director of the state department of corrections or the
40 director's designee.

41 4. Sixteen members who are appointed by the governor or their
42 designees. Not more than eight of these members may be from the
43 same political party.

44 ~~[5. The administrative director of the courts or the~~
45 ~~director's designee.]~~

1 ~~[6.]~~ [5.] The chairperson of the board of executive clemency
2 or the chairperson's designee.

3 B. The members who are appointed pursuant to subsection A,
4 paragraph 4 of this section shall include at least one police chief,
5 one county attorney and one county sheriff from a county with a
6 population of one million five hundred thousand or more persons, one
7 police chief, one county attorney and one county sheriff from a
8 county with a population equal to or greater than eight hundred
9 thousand persons but fewer than one million five hundred thousand
10 persons and one police chief, one county attorney and one county
11 sheriff from counties with a population of fewer than eight hundred
12 thousand persons. The remaining members shall include one law
13 enforcement leader, one former judge, one mayor, one member of a
14 county board of supervisors, one public defender, one victim
15 advocate and one chief probation officer.

16 C. Members who are appointed pursuant to subsection A,
17 paragraph 4 of this section shall serve for terms of two years
18 terminating on the convening of the first regular session of the
19 legislature. Any appointive member who ceases to be a member of the
20 body the member represents on the commission is deemed to have
21 resigned. Appointments to fill a vacancy shall be made in the same
22 manner as the original appointment.

23 D. The commission shall meet and organize by electing from
24 among its membership officers as are deemed necessary or advisable.
25 The commission shall meet at least once during each calendar quarter
26 and additionally as the chairperson deems necessary, and a majority
27 of the members constitutes a quorum for the transaction of business.

28 E. Members of the commission are not eligible to receive
29 compensation but are eligible for reimbursement of expenses pursuant
30 to title 38, chapter 4, article 2.>>

31 Sec. 10. Section 41-2409, Arizona Revised Statutes, is
32 amended to read:

33 41-2409. State aid; administration; report

34 A. The Arizona criminal justice commission shall administer
35 the state aid to county attorneys fund established by section
36 11-539. On or before September 1 of each year, the commission shall
37 distribute monies in the fund to each county according to the
38 following composite index formula:

39 1. The three-year average of the total felony filings in the
40 superior court in the county, divided by the statewide three-year
41 average of the total felony filings in the superior court.

42 2. The county population, as adopted by the office of
43 economic opportunity, divided by the statewide population, as
44 adopted by the office of economic opportunity.

45 3. The sum of paragraphs 1 and 2 of this subsection divided
46 by two equals the composite index.

1 4. The composite index for each county shall be used as the
2 multiplier against the total ~~funds~~ MONIES appropriated from the
3 state general fund and other monies distributed to the fund pursuant
4 to section 41-2421.

5 B. The board of supervisors in each county shall separately
6 account for the monies transmitted pursuant to subsection A of this
7 section and may expend these monies only for the purposes specified
8 in section 11-539. The county treasurer shall invest these monies
9 and interest earned shall be expended only for the purposes
10 specified in section 11-539.

11 C. The Arizona criminal justice commission shall administer
12 the state aid to indigent defense fund established by section
13 11-588. By September 1 of each fiscal year, the commission shall
14 distribute monies in the fund to each county according to the
15 following composite index formula:

16 1. The three-year average of the total felony filings in the
17 superior court in the county divided by the statewide three-year
18 average of the total felony filings in the superior court.

19 2. The county population, as adopted by the office of
20 economic opportunity, divided by the statewide population, as
21 adopted by the office of economic opportunity.

22 3. The sum of paragraphs 1 and 2 of this subsection divided
23 by two equals the composite index.

24 4. The composite index for each county shall be used as the
25 multiplier against the total ~~funds~~ MONIES appropriated from the
26 state general fund and other monies distributed to the fund pursuant
27 to section 41-2421.

28 D. The board of supervisors shall separately account for the
29 monies transmitted pursuant to subsection C of this section and may
30 expend these monies only for the purposes specified in section
31 11-588. The county treasurer shall invest these monies and interest
32 earned shall be expended only for the purposes specified in section
33 11-588.

34 E. The Arizona criminal justice commission shall administer
35 the state aid for juvenile dependency proceedings fund established
36 by section 41-2410. On or before September 1 of each fiscal year,
37 the Arizona criminal justice commission shall distribute monies in
38 the fund to each ~~eligible~~ county ~~in which the three-year average of~~
39 ~~the total juvenile dependency case filings in the superior court in~~
40 ~~the county exceeds the three-year average juvenile dependency case~~
41 ~~filings in the superior court of the county for fiscal years~~
42 ~~2012-2013, 2013-2014 and 2014-2015~~ based on the proportional share
43 of ~~the increase in petitions~~ FILINGS for each county IN THE MOST
44 RECENT FISCAL YEAR FOR WHICH JUVENILE DEPENDENCY CASE FILING FIGURES
45 ARE AVAILABLE. DISTRIBUTIONS FROM THE STATE AID FOR JUVENILE
46 DEPENDENCY PROCEEDINGS FUND TO A COUNTY MAY NOT EXCEED \$250,000 IN

1 ANY FISCAL YEAR. IF A COUNTY DISTRIBUTION IN ANY FISCAL YEAR IS
2 PROJECTED TO EXCEED \$250,000, THE ARIZONA CRIMINAL JUSTICE
3 COMMISSION SHALL DISTRIBUTE MONIES IN EXCESS OF \$250,000 TO THE
4 REMAINING COUNTIES BASED ON THE PROPORTIONAL SHARE OF JUVENILE
5 DEPENDENCY CASE FILINGS STATEWIDE FOR EACH COUNTY LESS THE JUVENILE
6 DEPENDENCY CASE FILINGS FROM THE COUNTIES THAT HAVE REACHED THE
7 MAXIMUM DISTRIBUTION IN THE FISCAL YEAR.

8 F. The board of supervisors shall separately account for the
9 monies distributed pursuant to subsection E of this section and may
10 spend these monies only for the purposes specified in section
11 41-2410. The county treasurer shall invest these monies and
12 interest earned shall be spent only for the purposes specified in
13 section 41-2410.

14 G. On or before January 8 each year, the commission shall
15 report to each county board of supervisors, the governor, the
16 legislature, the joint legislative budget committee, the chief
17 justice of the supreme court and the attorney general on the
18 expenditure of the monies in the state aid to county attorneys fund
19 and the state aid to indigent defense fund for the prior fiscal year
20 and on the progress made in achieving the goal of improved criminal
21 case processing.

22 Sec. 11. Laws 2023, chapter 137, section 4, as amended by
23 Laws 2024, chapter 213, section 8, is amended to read:

24 Sec. 4. Fentanyl prosecution, diversion and testing
25 fund; exemption; delayed repeal; transfer of
26 monies

27 A. The fentanyl prosecution, diversion and testing fund is
28 established consisting of monies appropriated by the
29 legislature. The department of public safety shall administer the
30 fund and may use monies in the fund for costs that are associated
31 with administering the fund. Monies in the fund are continuously
32 appropriated and are exempt from the provisions of section 35-190,
33 Arizona Revised Statutes, relating to lapsing of
34 appropriations. The department shall allocate monies in the fund on
35 a first-come, first-served basis to:

36 1. County attorneys, county sheriffs and courts to reimburse
37 costs related to fentanyl prosecutions in this state that involve a
38 violation of either of the following:

39 (a) Section 13-3408, subsection A, paragraph 2, 3 or 4,
40 Arizona Revised Statutes.

41 (b) Section 13-3408, subsection A, paragraph 7, Arizona
42 Revised Statutes, unless the violation involves the transfer or
43 offer to transfer fentanyl.

44 2. Law enforcement agencies in this state to reimburse costs
45 related to fentanyl testing.

1 3. Law enforcement agencies in this state to reimburse costs
2 related to fentanyl diversion activities.

3 B. From and after June 30, ~~2025~~ 2027, this section is
4 repealed and any unexpended or unencumbered monies in the fentanyl
5 prosecution, diversion and testing fund established by this section
6 are transferred to the state general fund.

7 <<Sec. 8. Laws 2025, chapter 56, section 1 is amended to
8 read:

9 Section 1. ~~-Appropriations; nuclear emergency management fund~~

10 Pursuant to sections 26-306.01 and 26-306.02, Arizona Revised
11 Statutes, the sum of \$2,617,991 ~~\$2,667,991~~ in fiscal year 2025-2026
12 and the sum of \$2,711,339 ~~\$2,761,339~~ in fiscal year 2026-2027 are
13 appropriated from the nuclear emergency management fund established
14 by section 26-306.02, Arizona Revised Statutes, as follows:

15 1. For use by the division of emergency management of the
16 department of emergency and military affairs as provided in section
17 26-306.02, Arizona Revised Statutes, the sum of \$1,266,916 and 8
18 full-time equivalent positions in fiscal year 2025-2026 and the sum
19 of \$1,311,566 and 8 full-time equivalent positions in fiscal year
20 2026-2027.

21 2. For use by the Arizona department of agriculture for
22 programs relating to off-site nuclear emergency response plans, the
23 sum of \$347,109 and 2.44 full-time equivalent positions in fiscal
24 year 2025-2026 and the sum of \$352,877 and 2.44 full-time equivalent
25 positions in fiscal year 2026-2027.

26 3. For disbursement by the division of emergency management
27 of the department of emergency and military affairs to departments
28 and agencies of Maricopa county that are assigned responsibilities
29 under the off-site nuclear emergency response plan, the sum of
30 \$953,966 in fiscal year 2025-2026 and the sum of \$996,896 in fiscal
31 year 2026-2027.

32 4. For disbursement by the division of emergency management
33 of the department of emergency and military affairs to departments
34 and agencies of the city of Buckeye that are assigned
35 responsibilities under the off-site nuclear emergency response plan,
36 the sum of \$100,000 in fiscal year 2025-2026 and the sum of \$100,000
37 in fiscal year 2026-2027.>>

38 <<Sec. 9. Laws 2025, chapter 56, section 2 is amended to
39 read:

40 Sec. 2. Assessments

41 Pursuant to section 26-306.01, Arizona Revised Statutes, the
42 sum of \$2,617,991 ~~\$2,667,991~~ in fiscal year 2025-2026 and the sum of
43 \$2,711,339 ~~\$2,761,339~~ in fiscal year 2026-2027, plus any applicable
44 interest, are assessed against each consortium of public service
45 corporations and municipal corporations engaged in constructing or
46 operating a commercial nuclear generating station in this state.>>

1 <<Sec. 12. Legislative findings
2 [The legislature finds that:
3 1. Innocent persons who have been erroneously convicted of
4 crimes have been uniquely victimized, have distinct struggles
5 reentering society, have difficulty achieving legal redress due to a
6 variety of substantive and technical obstacles in the law and should
7 have an available avenue of redress over and above the existing tort
8 remedies to seek compensation for damages.
9 2. Erroneously convicted persons suffer particular and
10 substantial harm by being imprisoned for a crime they did not
11 commit, including the loss of liberty, livelihood and financial
12 opportunity. The legislature intends that by enacting section
13 13-4005, Arizona Revised Statutes, as added by this act, persons who
14 were erroneously convicted and unjustly robbed of their freedom
15 should be able to receive monetary compensation and nonmonetary
16 services.
17 3. Erroneous convictions cause victims of crime unique
18 harm. The legislature intends to provide crime victims with mental
19 health treatment services in recognition of the trauma crime victims
20 undergo when the legal system fails them by erroneously convicting
21 the wrong person.]>>
22 Sec. 13. Retroactivity
23 Section 41-2409, Arizona Revised Statutes, as amended by this
24 act, applies retroactively to from and after June 30, 2025.
25 <<Sec. 13. Effective date
26 [Title 13, chapter 38, article 15, Arizona Revised Statutes,
27 as added by this act, is effective from and after December 31,
28 2025.]>>

29 Enroll and engross to conform
30 Amend title to conform

DAVID LIVINGSTON

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