

VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates



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The Victims' Rights Brief is published by the Arizona Attorney General's Office of Victim Services, which remains wholly responsible for its content.

The goal in generating the Brief is to promote justice and healing for crime victims by sharing information and fostering sensitivity within the justice system.

For more information about Victims' Rights, visit us at www.azag.gov/victim-services

Have an idea for an article
in the Victims' Rights Brief?

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2015 Legislative Updates

This issue of the Victims' Rights Brief reviews laws passed in the 2015 Arizona Legislative session that affect the criminal and juvenile justice systems and victims' rights. Unless otherwise specified, the general effective date for implementation is July 3, 2015. The information below provides a brief synopsis and is not inclusive of all provisions of the statutes. We encourage you to visit the Arizona State Legislature website at <http://www.azleg.gov> for a complete reading of the statute.

2015 LEGISLATIVE UPDATES

Victims' Rights*

HB2166 (Department of Child Safety (DCS) information; egregious abuse; neglect)

Amended A.R.S. §§ 8-471, 8-525, 8-541 and 8-807, Amended Title 8, Chapter 4, Article 8 by adding A.R.S. § 8-807.01; Amended A.R.S. §§ 8-811 and 13-4434 relating to Department of Child Safety information*

- Changes to A.R.S. § 8-807 specify that information provided by DCS to law enforcement or a prosecutor to enforce or prosecute any violation of law involving child abuse or neglect can also be used to assert the rights of the child as a victim.
- Regarding a victim's right to privacy pursuant to A.R.S. § 13-4434, changes to the statute clarify that if the victim is a minor, the victim's name may be redacted from public records pertaining to the crime if the countervailing interests of confidentiality, privacy, the rights of the minor or the best interest of the state outweigh the public interest in disclosure.
- States that the redacting of identifying and locating information does not apply to any records if the victim, or if the victim is a minor, the victim's lawful representative has consented to the release of the information.
- If the criminal offense is alleged against the minor's parent, the minor's parent may not provide the consent for release, but this consent may be provided by the minor's lawful representative.
- *It should be noted that A.R.S. § 8-413, Victim's right to privacy; exception: definitions, was not included in this amendment. Our office recommends updating agency policy and procedures for minor victims of juvenile offenses to be consistent with A.R.S. § 13-4434 until such time A.R.S. § 8-413 has been amended.*

Victims' Rights (continued)

HB2203 (postconviction release hearing; recordings; free)

Amended A.R.S. §§ 8-395 and 13-4414**

- Specifies that any electronic recordings made during a postadjudication or postconviction release hearing shall be provided, on request, to the victim free of charge.

Victim Services

HB2239 (police reports; victims; attorneys)

Amended A.R.S. § 39-127

- Allows an attorney acting on behalf of a crime victim to receive, from the investigating law enforcement agency, one free copy of the police report.
- In addition to these rights, A.R.S. § 39-127 provides the right to receive one free copy of the police report to victims of both criminal and juvenile offenses that are considered Part I crimes under the Uniform Crime Report (UCR).

HB2517 (internet crimes against children; fund)

Amended A.R.S. §§ 5-554, 5-568 and 5-572; Amended Title 13, Chapter 35.1, by adding A.R.S. § 13-3562; Amended Title 41, Chapter 1, Article 5 by adding A.R.S. § 41-199; Amended A.R.S. § 41-1727

- HB2517 establishes and allocates \$900,000 to the Internet Crimes Against Children Enforcement Fund and \$100,000 to the Victims' Rights Enforcement Fund established by A.R.S. § 41-1727 from proceeds of any lottery games that are sold from a vending machine.
- The Internet Crimes Against Children Enforcement Fund will be administered by the Attorney General to continue the operation of the federally recognized Internet Crimes Against Children Task Force Program.
- A.R.S. § 13-3562 describes law enforcement responsibilities related to notice to communication service providers of a website hosting alleged sexual exploitation of children.

HB2553 (sex trafficking victim; vacating conviction)

Amended Title 13, Chapter 9 by adding A.R.S. § 13-907.01

- Allows a person who was convicted of prostitution prior to July 24, 2014 to apply to the court that pronounced sentence to vacate the person's conviction if the court finds clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking. Provides the court discretion to grant the application and vacate the conviction without a hearing if the prosecutor does not oppose the application. Requires a hearing if the prosecutor opposes the application.

HB2204 (criminal restitution order; courts)

Amended A.R.S. §§ 13-805 and 13-809 relating to criminal restitution

- Allows a limited jurisdiction court to enter a criminal restitution order at the time the defendant is ordered to pay restitution. Allows the court to allocate all or a portion of a fine as restitution for a victim of a traffic accident that involves a failure to stop or remain at the scene of an accident when there is damage to the vehicle.