House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 21

HOUSE BILL 2462

AN ACT

AMENDING SECTIONS 13-2905 AND 13-3969, ARIZONA REVISED STATUTES; RELATING TO BAIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 13-2905, Arizona Revised Statutes, is amended to read:

13-2905. Loitering; classification

A. A person commits loitering if such person intentionally:

1. Is present in a public place and in an offensive manner or in a manner likely to disturb the public peace solicits another person to engage in any sexual offense. ~~; or~~

2. Is present in a transportation facility and after a reasonable request to cease or unless specifically authorized to do so solicits or engages in any business, trade or commercial transactions involving the sale of merchandise or services. ~~; or~~

3. Is present in a public place to beg, unless specifically authorized by law. ~~; or~~

4. Is present in a public place, unless specifically authorized by law, to gamble with any cards, dice or other similar gambling devices. ~~; or~~

5. Is present in or about a school, college or university building or grounds after a reasonable request to leave and either does not have any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there or does not have written permission to be there from anyone authorized to grant permission.

6. EXCEPT AS PROVIDED IN SECTION 13-3969, SUBSECTION A, SOLICITS BAIL BOND BUSINESS INSIDE A COURT BUILDING OR IMMEDIATELY AROUND OR NEAR THE ENTRANCE OF A COUNTY OR CITY JAIL. FOR THE PURPOSES OF THIS PARAGRAPH, "SOLICIT" INCLUDES HANDING OUT BUSINESS CARDS OR ANY PRINTED MATERIAL OR DISPLAYING ANY ELECTRONIC DEVICES RELATED TO BAIL BONDS, VERBALLY ASKING A PERSON IF THE PERSON NEEDS A BAIL BOND AND RECRUITING ANOTHER PERSON TO SOLICIT BAIL BOND BUSINESS.

B. Loitering under subsection A, paragraph 5 is a class 1 misdemeanor. Loitering under subsection A, paragraphs 1, 2, 3, ~~and~~ 4 AND 6 is a class 3 misdemeanor.

Sec. 2. Section 13-3969, Arizona Revised Statutes, is amended to read:

13-3969. Bail bond agent lists; prohibition; rotation; acceptance of bonds

A. The sheriff or keeper of ~~the~~ A COUNTY OR CITY jail shall provide to a person charged with a bailable offense in his custody a list containing the names and telephone numbers of those persons authorized to post bail bonds in the county. Persons authorized to post bail bonds in the county may be listed under their own name or a trade name if the trade name is registered with the secretary of state. The list shall be updated ~~annually~~ MONTHLY. EACH MONTH THE CLERK OF THE COURT SHALL TRANSMIT THE LIST ELECTRONICALLY TO COUNTY AND CITY JAILS AND SHALL ROTATE THE ORDER OF THE NAMES AND TELEPHONE NUMBERS ON THE LIST.

B. The sheriff or keeper of ~~the~~ A COUNTY OR CITY jail shall not recommend any ~~authorized~~ bail bond agent, PRIVATE PERSON OR PRIVATE COMPANY to a person charged with a bailable offense in the sheriff's or keeper's custody ~~and shall rotate quarterly the order of the names and telephone numbers of the authorized bail bond agents listed~~.

C. The sheriff or keeper of ~~the~~ A COUNTY OR CITY jail in the county OR CITY in which criminal charges are filed or in which the person charged is jailed shall accept the bond from any person.

D. THE SHERIFF OR KEEPER OF A COUNTY OR CITY JAIL SHALL ACCEPT THE SECURED APPEARANCE BOND FROM AN EMPLOYEE OF A BAIL BOND AGENT IF THE EMPLOYEE HAS PROPER BAIL AGENCY IDENTIFICATION.

E. IF BAIL IS AUTHORIZED BY THE COURT, THE SHERIFF OR KEEPER OF A COUNTY OR CITY JAIL SHALL DIRECTLY ACCEPT SECURED APPEARANCE BONDS, MONEY ORDERS, CASHIER'S CHECKS OR CASH FOR THE RELEASE OF PERSONS IN THE CUSTODY OF THE SHERIFF OR KEEPER. THE SHERIFF OR KEEPER OF A COUNTY OR CITY JAIL SHALL BE OPEN TO ACCEPT SECURED APPEARANCE BONDS, MONEY ORDERS, CASHIER'S CHECKS OR CASH TWENTY-FOUR HOURS A DAY, EVERY DAY, INCLUDING HOLIDAYS.

APPROVED BY THE GOVERNOR MARCH 28, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2013.

Passed the House February 28, 2013

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate March 25, 2013

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26 day of March, 2013

at 3:30 o'clock P M.

Mikhaila Howard
Secretary to the Governor

Approved this 28th day of

March

at 2:45 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 28th day of March, 2013

at 5:07 o'clock P M.

Ken Bennett
Secretary of State

H.B. 2462