

House Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 94

HOUSE BILL 2103

AN ACT

AMENDING SECTIONS 12-116.06, 12-284.03, 36-3001 AND 36-3002, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-3003 AND 36-3004, ARIZONA REVISED STATUTES; AMENDING SECTIONS 36-3005, 36-3006, 36-3007, 36-3008, 41-178 AND 43-618, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC VIOLENCE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-116.06, Arizona Revised Statutes, is amended to
3 read:

4 12-116.06. Assessment for family offenses, harassment and
5 stalking

6 In addition to any other penalty, fine, fee, ~~or~~ assessment authorized
7 by law, a person who is convicted of a violation of section 13-2921,
8 13-2921.01 or 13-2923 or an offense listed in title 13, chapter 36 shall pay
9 an additional assessment of fifty dollars to be deposited by the state
10 treasurer in the domestic violence ~~shelter~~ SERVICES fund established by
11 section 36-3002. This assessment is not subject to any surcharge. If the
12 conviction occurred in the superior court or a justice court, the court shall
13 transmit the assessed monies to the county treasurer. If the conviction
14 occurred in a municipal court, the court shall transmit the assessed monies
15 to the city treasurer. The city or county treasurer shall transmit the
16 monies received to the state treasurer.

17 Sec. 2. Section 12-284.03, Arizona Revised Statutes, is amended to
18 read:

19 12-284.03. Distribution of fees

20 A. Excluding the monies that are kept by the court pursuant to
21 subsection B of this section, the county treasurer shall transmit, distribute
22 or deposit all monies received from the clerk of the superior court pursuant
23 to section 12-284, subsection K as follows:

24 1. 1.31 ~~per cent~~ PERCENT to the state treasurer for deposit in the
25 drug and gang enforcement account established by section 41-2402 for the
26 purposes of section 41-2402, subsection G.

27 2. 8.87 ~~per cent~~ PERCENT to the state treasurer for deposit in the
28 domestic violence ~~shelter~~ SERVICES fund established by section 36-3002.

29 3. 1.93 ~~per cent~~ PERCENT to the state treasurer for deposit in the
30 child abuse prevention fund established by section 8-550.01.

31 4. In the county law library fund established by section 12-305,
32 either:

33 (a) 7.62 ~~per cent~~ PERCENT if the county treasurer is serving in a
34 county with a population of more than five hundred thousand persons ~~according~~
35 ~~to the most recent United States decennial census.~~

36 (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a
37 county with a population of five hundred thousand persons or less ~~according~~
38 ~~to the most recent United States decennial census.~~

39 5. 0.35 ~~per cent~~ PERCENT to the state treasurer for deposit in the
40 alternative dispute resolution fund established by section 12-135.

41 6. To the elected officials' retirement plan fund established by
42 section 38-802, either of the following percentages, which shall be
43 distributed to the fund pursuant to section 38-810:

1 (a) ~~23.79 per cent~~ PERCENT if the county treasurer is serving in a
2 county with a population of more than five hundred thousand persons ~~according~~
3 ~~to the most recent United States decennial census.~~

4 (b) ~~15.30 per cent~~ PERCENT if the county treasurer is serving in a
5 county with a population of five hundred thousand persons or less ~~according~~
6 ~~to the most recent United States decennial census.~~

7 7. ~~17.07 per cent~~ PERCENT to the state treasurer for deposit in the
8 judicial collection enhancement fund established by section 12-113.

9 8. ~~0.26 per cent~~ PERCENT to the state treasurer for deposit in the
10 confidential intermediary and fiduciary fund established by section 8-135.

11 9. In the county general fund, the following percentages:

12 (a) ~~31.29 per cent~~ PERCENT if the county treasurer is serving in a
13 county with a population of more than five hundred thousand persons ~~according~~
14 ~~to the most recent United States decennial census.~~

15 (b) ~~32.10 per cent~~ PERCENT if the county treasurer is serving in a
16 county with a population of five hundred thousand persons or less ~~according~~
17 ~~to the most recent United States decennial census.~~

18 B. ~~7.51 per cent~~ PERCENT of the monies transmitted, distributed or
19 deposited pursuant to subsection A of this section shall be kept and used by
20 the court collecting the fees in the same manner as the seven dollars of the
21 time payment fee prescribed by section 12-116, subsection B.

22 Sec. 3. Heading change

23 The chapter heading of title 36, chapter 30, Arizona Revised Statutes,
24 is changed from "SHELTERS FOR DOMESTIC VIOLENCE VICTIMS" to "DOMESTIC
25 VIOLENCE SERVICES".

26 Sec. 4. Section 36-3001, Arizona Revised Statutes, is amended to read:

27 36-3001. Definitions

28 In this chapter, unless the context otherwise requires:

29 1. "Administration" means the community services administration in the
30 department of economic security.

31 2. "Domestic violence" means attempting to cause or causing bodily
32 injury to a family or household member or placing a family or household
33 member by threat of force in fear of imminent physical harm.

34 3. "DOMESTIC VIOLENCE SERVICE PROVIDER" MEANS A FACILITY WHOSE PRIMARY
35 PURPOSE IS TO PROVIDE SERVICES TO FAMILY OR HOUSEHOLD MEMBERS WHO ARE VICTIMS
36 OF DOMESTIC VIOLENCE, INCLUDING:

37 (a) SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

38 (b) DOMESTIC VIOLENCE VICTIM ADVOCACY.

39 (c) OTHER SUPPORT SERVICES FOR DOMESTIC VIOLENCE VICTIMS.

40 ~~3.~~ 4. "Family or household member" means a spouse, a former spouse, a
41 parent, a child or ~~other~~ ANOTHER adult person related by consanguinity or
42 affinity who is residing or has resided or has a child or children in common
43 with the person committing the domestic violence and dependents of such
44 persons.

45 ~~4.~~ 5. "Fund" means the domestic violence ~~shelter~~ SERVICES fund.

1 5. 6. "Program administrator" means the program administrator of the
2 community services administration in the department of economic security.

3 6. 7. "Shelter for victims of domestic violence" or "shelter" means a
4 facility providing temporary residential service or facilities to family or
5 household members who are victims of domestic violence.

6 Sec. 5. Section 36-3002, Arizona Revised Statutes, is amended to read:

7 36-3002. Domestic violence services fund; purpose

8 A. The domestic violence ~~shelter~~ SERVICES fund is established
9 consisting of monies received pursuant to section 12-116.06, section
10 12-284.03, subsection A, paragraph 2, ~~and~~ section 41-178 AND SECTION 43-618.
11 The program administrator shall administer the fund for the purposes
12 prescribed in this section.

13 B. The department of economic security, after full consultation with a
14 statewide coalition against domestic violence, shall establish program
15 priorities for the fund. Subject to legislative appropriation, the
16 department shall expend monies in the fund to provide financial assistance to
17 ~~shelters~~ SERVICE PROVIDERS for victims of domestic violence through contracts
18 for ~~shelter~~ services.

19 C. Monies in the fund do not revert to the state general fund.

20 Sec. 6. Repeal

21 Sections 36-3003 and 36-3004, Arizona Revised Statutes, are repealed.

22 Sec. 7. Section 36-3005, Arizona Revised Statutes, is amended to read:

23 36-3005. Domestic violence service provider requirements for
24 eligibility

25 A. To be eligible to receive fund monies under this chapter, a ~~shelter~~
26 DOMESTIC VIOLENCE SERVICE PROVIDER shall ~~+~~

27 1. ~~Provide crisis interventions and advocacy and support services for~~
28 ~~victims of domestic violence and their dependent children.~~

29 2. ~~Provide victims of domestic violence with information and referrals~~
30 ~~for community based services.~~

31 3. ~~Require persons employed by or volunteering services to the shelter~~
32 ~~to maintain the confidentiality of any information that would identify~~
33 ~~persons served by the shelter.~~

34 4. ~~Meet existing licensing requirements, if any. ADHERE TO STATEWIDE~~
35 ~~SERVICE STANDARDS FOR DOMESTIC VIOLENCE PROGRAMS THAT ARE APPROVED BY THE~~
36 ~~DEPARTMENT OF ECONOMIC SECURITY IN COLLABORATION WITH A STATE COALITION~~
37 ~~AGAINST DOMESTIC VIOLENCE.~~

38 B. A ~~shelter for victims of domestic violence~~ DOMESTIC VIOLENCE
39 SERVICE PROVIDER does not qualify for fund monies if it discriminates in its
40 admissions or provision of services on the basis of race, religion, color,
41 age, DISABILITY, marital status, national origin or ancestry.

42 Sec. 8. Section 36-3006, Arizona Revised Statutes, is amended to read:

43 36-3006. Methodology for allocation of fund monies

44 A. ~~If the program administrator receives applications from more than~~
45 ~~one eligible shelter, and the requests for fund monies exceed the amount of~~

1 ~~fund monies available, fund monies shall be allocated based on the priorities~~
2 ~~established by the department of economic security and a state coalition~~
3 ~~against domestic violence and including the following priorities:~~

4 1. ~~To shelters receiving monies from this fund as of April 24, 1994.~~

5 2. ~~To shelters not receiving monies from this fund as of April 24,~~
6 ~~1994.~~

7 B. ~~After full consultation with a state coalition against domestic~~
8 ~~violence, the department shall develop a weighted methodology for allocation~~
9 ~~of funding that includes the priorities prescribed in subsection A and that,~~
10 ~~at a minimum, considers the following:~~

11 1. The need for services.

12 2. Existing services.

13 3. Geographic location.

14 4. Population ratios.

15 Sec. 9. Section 36-3007, Arizona Revised Statutes, is amended to read:

16 36-3007. Annual report

17 A. The department of economic security shall file an annual report
18 with the governor, the speaker of the house of representatives and the
19 president of the senate on or before October 1 AND SHALL PROVIDE A COPY OF
20 THIS REPORT TO THE SECRETARY OF STATE. In preparing the report the
21 department shall fully consult with a state coalition against domestic
22 violence.

23 B. The report shall include the following information from each
24 ~~shelter program~~ DOMESTIC VIOLENCE SERVICE PROVIDER that receives monies
25 pursuant to this chapter:

26 1. The population served.

27 2. The services provided.

28 3. The unmet needs of persons who receive services.

29 C. Information contained in the report shall not identify any person
30 served by a ~~shelter~~ SERVICE PROVIDER or enable any person to determine the
31 identity of any such person.

32 Sec. 10. Section 36-3008, Arizona Revised Statutes, is amended to
33 read:

34 36-3008. Services for victims of domestic violence; personnel;
35 fingerprinting; confidentiality; notification

36 A. Employees and volunteers of a ~~shelter for victims of~~ domestic
37 violence, ~~as defined in section 36-3001,~~ SERVICE PROVIDER shall have valid
38 fingerprint clearance cards that are issued pursuant to title 41, chapter 12,
39 article 3.1 or shall apply for a fingerprint clearance card within seven
40 working days of employment or beginning volunteer work. Federally recognized
41 Indian tribes or military bases may submit and the department shall accept
42 certifications that state that employees of a ~~shelter for victims of~~ domestic
43 violence SERVICE PROVIDER who are employed by a ~~shelter~~ DOMESTIC VIOLENCE
44 SERVICE PROVIDER and who provide services directly to victims of domestic
45 violence have not been convicted of, have not admitted committing or are not

1 awaiting trial on any offense under subsection B, paragraph 1 of this
2 section.

3 B. Personnel shall certify on forms that are provided by the
4 department and notarized that:

5 1. They are not awaiting trial on and have never been convicted of or
6 admitted committing any of the criminal offenses listed in section
7 41-1758.03, subsections B and C in this state or similar offenses in another
8 state or jurisdiction.

9 2. They have not been denied a license to operate a ~~shelter for cause~~
10 FACILITY THAT PROVIDES SERVICES FOR DOMESTIC VIOLENCE VICTIMS in this state
11 or another state or had a license to operate a ~~shelter~~ FACILITY THAT PROVIDES
12 SERVICES FOR DOMESTIC VIOLENCE VICTIMS revoked.

13 C. The notarized forms are confidential.

14 D. The ~~shelter~~ DOMESTIC VIOLENCE SERVICE PROVIDER shall make good
15 faith efforts to contact previous employers to obtain information or
16 recommendations that may be relevant to an individual's fitness to work ~~in~~
17 ~~the shelter~~ FOR THE PROVIDER.

18 E. ~~The department of health services~~ A DOMESTIC VIOLENCE SERVICE
19 PROVIDER shall notify the department of public safety if the ~~department of~~
20 ~~health services~~ PROVIDER receives credible evidence that a person who
21 possesses a fingerprint clearance card either:

22 1. Is arrested for or charged with an offense listed in section
23 41-1758.03, subsection B.

24 2. Falsified information on the form required by subsection B of this
25 section.

26 Sec. 11. Section 41-178, Arizona Revised Statutes, is amended to read:

27 41-178. Distribution of notary bond fees

28 The state treasurer shall transmit, distribute or deposit all monies
29 received pursuant to section 41-126, subsection A, paragraphs 11 and 12 as
30 follows:

31 1. ~~1.31 per cent~~ PERCENT for deposit in the drug and gang enforcement
32 account established by section 41-2402 for the purposes of section 41-2402,
33 subsection G.

34 2. ~~8.87 per cent~~ PERCENT for deposit in the domestic violence ~~shelter~~
35 SERVICES fund established by section 36-3002.

36 3. ~~1.93 per cent~~ PERCENT for deposit in the child abuse prevention
37 fund established by section 8-550.01.

38 4. ~~7.62 per cent~~ PERCENT for proportional deposit in each county's law
39 library fund established by section 12-305, based on the number of notaries
40 commissioned per county.

41 5. ~~0.35 per cent~~ PERCENT for deposit in the alternative dispute
42 resolution fund established by section 12-135.

43 6. ~~23.79 per cent~~ PERCENT for deposit in the elected officials'
44 retirement plan fund established by section 38-802, which shall be
45 distributed to the fund pursuant to section 38-810.

1 7. 17.07 ~~per cent~~ PERCENT for deposit in the judicial collection
2 enhancement fund established by section 12-113.

3 8. 0.26 ~~per cent~~ PERCENT for deposit in the confidential intermediary
4 and fiduciary fund established by section 8-135.

5 9. 31.29 ~~per cent~~ PERCENT for deposit in the notary bond fund
6 established by section 41-314.

7 10. 7.51 ~~per cent~~ PERCENT shall be distributed to the county where the
8 notary is commissioned in the same manner as the seven dollars of the time
9 payment fee prescribed by section 12-116, subsection B.

10 Sec. 12. Section 43-618, Arizona Revised Statutes, is amended to read:
11 43-618. Contribution to domestic violence services fund

12 A. The department shall provide a space on the individual income tax
13 return form in which the taxpayer may designate an amount of the taxpayer's
14 refund as a voluntary contribution to the domestic violence ~~shelter~~ SERVICES
15 fund established ~~pursuant to~~ BY section 36-3002.

16 B. After subtracting any setoff for debts pursuant to section 42-1122,
17 the department of revenue shall subtract the designated amount from the
18 refund due the taxpayer and transfer it to the department of economic
19 security for deposit in the fund.

20 C. The taxpayer may also donate any amount to the fund, in lieu of or
21 in addition to the designated portion of the tax refund, by an appropriate
22 indication on the return and by including that amount with the return.

APPROVED BY THE GOVERNOR APRIL 5, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2016.

Passed the House February 25 2016

Passed the Senate March 28, 2016

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

[Signature]

Speaker of the House

Pro Tempore

[Signature]

President of the Senate

[Signature]

Chief Clerk of the House

[Signature]

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

30 day of March, 2016

at 11 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 5th day of

April

at 3:07 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6 day of April, 2016

at 8:20 o'clock A. M.

[Signature]
Secretary of State

H.B. 2103