

# VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates

## 2008 LEGISLATIVE UPDATE

### INSIDE THIS ISSUE:

*The following are victims' rights related bills that were passed during the last legislative session.*



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. To learn more about victims' rights visit us at [www.azag.gov](http://www.azag.gov).

The 48th Legislature's Second Regular Session Adjourned Sine Die on June 27, 2008. We have compiled a list of victims' rights related bills that the Governor signed into law. The general effective day for non-emergency legislation is September 26, 2008.

For a review of all Victims' Rights Laws, please refer to Title 13, Chapter 40; Title 8, Chapter 3, Article 7, of the Arizona Revised Statutes or visit <http://www.azleg.gov/ArizonaRevisedStatutes.asp>.

### **A.R.S. § 13-4033 Criminal Appeals**

Eliminates a defendant's appeal from a final judgment of a conviction or verdict of guilty except insane or an order denying a motion for a new trial if the defendant's absence prevents sentencing from occurring within 90 days of the conviction., and the defendant fails to prove by *clear and convincing* evidence at the time of sentencing that the absence was *involuntary*.

### **A.R.S. § 13-602 Orders of Protection**

Clarifies in subsection E that the court, when deciding whether to issue an order of protection, must review the petition, any other pleadings on file and any evidence submitted by the plaintiff, *including any evidence of harassment by electronic contact or communication*.

**A.R.S. § 13-1204  
Aggravated Assault; Constables**  
Assault against a constable or per-

son summoned and directed by a constable is an aggravated assault if committed while the constable or person summoned by the constable was engaged in the execution of any official duty and the offender knew or had reason to know the victim's profession.

**A.R.S. § 12-1809, 13-2921, and 13-3602  
Electronic Communication; Harassment; Order of Protection**  
Clarifies courts are to consider electronic communica-

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tion when presented as evidence for the issuance of an Order of Protection or Injunction Against Harassment.

### **A.R.S. §13-610, 13-3967 DNA Testing and Arrest**

Requires the court to order defendants or juveniles summoned to appear that have been charged with an enumerated offense to provide a DNA sample to law enforcement within 5 days of the order. If the person does not comply with the order, the court is required to revoke the person's release.

### **ARS § 44-1698, Credit Report; Score; Security Freeze**

Establishes procedures and requirements for a consumer to request, and a credit reporting agency to place or lift, a security

freeze on the consumer's credit report.

### **ARS § 13-4440, factual innocence; judicial determination; procedure**

Establishes procedures for judicial determinations relating to factual in-

nocence and factual improper party status if a person's personal identifying information is used by another person who was arrested, cited or charged with a criminal offense or entered into a judgment of guilt in a criminal case.

### **Correction**

The information we received and presented on U-Visas in our June, 2008 issue has been updated. We apologize for the confusion. Please see corrected information below:

U-Visa regulations were published in the Federal Register on September 17, 2007 and took effect October 17, 2007. There is now an official application form for U-Visa applicants (the I-918) and an official form for law enforcement regulations is available on the USCIS website: [www.uscis.gov](http://www.uscis.gov). Much more information is available online at [www.asistaonline.org](http://www.asistaonline.org) and [www.ilrc.org](http://www.ilrc.org).

The Attorney General's Office of Victim Services will be presenting on U-Visas in this year's Advanced Training class. For a schedule and to register, please visit our website at [www.azag.gov](http://www.azag.gov).