

**Arizona Judicial Council  
2019 Passed Legislative Proposals**

**HB2053: Competency evaluation; reports**

Allows the court to appoint a physician to address the necessity of continuing treatment and any limitations the medication may have on the defendant's competency if the mental health examiner determines the defendant is competent by virtue of ongoing treatment with psychotropic medication.

**HB2054: Electronic wills; requirements**

Prohibits a person who stands to benefit from a will from being a witness to the signing of the will beginning Oct. 1, 2019 unless the will is self-proved. Makes various technical changes to definitions contained in the electronic wills legislation passed last year to make the statutes internally consistent with respect to self-proving electronic wills, identification requirements for the testator, and the role of a qualified custodian.

Retroactive to July 1, 2019.

**HB2055: Juvenile court; jurisdiction; undesignated felony**

Authorizes the juvenile court to designate an undesignated Class 6 Felony as a Class 1 Misdemeanor for an adult previously adjudicated for such an offense. Enumerates criteria for the court to consider in determining whether to grant the application, including:

- the nature and circumstances of the offense upon which the adjudication is based,
- whether the applicant was subsequently convicted of a felony offense or has any pending criminal charges
- victim input and the status of restitution owed by the person, if any, and
- any other factor relevant to the application.

The court may mitigate any unpaid monetary obligations except victim restitution. If the application is granted, all remaining obligations continue to be owed and are subject to all remedies until paid. Prohibits applications from persons adjudicated delinquent for:

- a dangerous offense
- an offense for which the person is currently required to register as a sex offender
- an offense for which there has been a finding of sexual motivation pursuant to section ARS13-118
- DUI, if it can be alleged as a prior

Permits a person who has been adjudicated delinquent or incorrigible to apply for destruction of the person's juvenile court and ADJC records, with some exceptions. Any records of a referral or citation that did not result in further action or that resulted in a successful completion of diversion must be destroyed by the juvenile court, the clerk of the court and the juvenile probation department within 90 days after the person becomes 18 years of age.

## **HB2080: Restoration of civil rights**

Clarifies and consolidates various statutes pertaining to restoration of civil rights.

Allows a person with outstanding court ordered monetary obligations, other than victim restitution, to apply to the superior court for restoration of civil rights. Civil rights include the right to vote, the right to hold public office of trust or profit and the write to serve as a juror. If the court denies an application to have a person's civil rights restored, the court must state its reasons for the denial in writing.

If restoration of civil rights is discretionary, a victim has the right to be present and be heard at any proceeding in which the defendant has filed an application. If the victim made a request for postconviction notice, the attorney for the state must provide the victim with notice of the defendant's application and of the applicable victim's rights.

The superior court clerk must notify DPS if a person's civil rights are restored and DPS must update the person's criminal history with an annotation that the person's civil rights have been restored and any exceptions ordered but may not redact or remove any part of the person's record. A law enforcement agency is not required to redact or remove a record or information from the record of a person whose civil rights are restored. DPS and the Board of Fingerprinting may consider a conviction of a person whose civil rights have been restored when evaluating an application for a fingerprint clearance card.

Deletes the term "gun" when referring to restoration of the right to possess a gun or firearm. "Gun" is not defined, but "firearm" is; otherwise, current statutes on restoration of firearm rights is not changed.

Defines "final discharge" as completion of probation or receipt of a certificate of absolute discharge from DOC US Bureau of Prisons.