



## 2014 LEGISLATIVE REPORT

The second regular session of Arizona's 51<sup>st</sup> Legislature adjourned *sine die* at approximately 2 a.m. on April 24<sup>th</sup>. The session lasted 101 days, making it the third shortest since 2000. Of the 1205 bills introduced, a total of 303 were passed by the House and Senate. Gov. Brewer signed 278 of those bills and vetoed 25 of them. The ACLU of Arizona was engaged throughout the legislative session, tracking a variety of issues and priorities for its members. Our work with stakeholders, legislators and staff, along with the bold veto action taken by Gov. Brewer, led to significantly better outcomes for civil liberties than in many past years.

### **Using religion to discriminate**

Separation of church and state issues arose during this session, just as in prior sessions. Lawmakers passed another "religious freedom" bill that would have legalized discrimination against the LGBT community under the guise of religious liberty. The controversial measure would have allowed individuals to use religion as a defense when discriminating or refusing to comply with laws in a variety of contexts. Arizona received widespread negative media attention over the passage of this bill. Working with legislators, business leaders and other advocates, we were successful in convincing Gov. Brewer to veto this disturbing bill. Another bill introduced this session would have prohibited government from requiring a minister to solemnize a marriage that is inconsistent with the minister's sincerely held religious beliefs. We worked to amend the definition of "minister," which as drafted, included judges and justices of the peace. The bill did not advance.

### **Free speech**

The ACLU of Arizona weighed in on several bills burdening free speech. Arizona joined the growing list of states passing so called "revenge porn" bills in response to posting of sexually explicit photos on social media. We suggested amendments to improve the bill, although the bill as passed still raises concerns by failing to include strong language requiring "intent to harm." Other dangerous legislation was amended to remove the significant First Amendment implications. "Ag-gag" bills were introduced with the stated intent of stopping animal cruelty. However, as drafted, the measures targeted constitutionally protected recordings, chilled constitutionally protected expression and criminalized the mere possession of photos or videos. Working with First Amendment and animal advocates, we were able to ensure that these "ag-gag" provisions did not advance. Finally, in an effort to address the ACLU's successful lawsuit challenging the City of Flagstaff's policy of arresting peaceful panhandlers, legislators introduced a bill creating the crime of "aggressive solicitation." The bill, which passed the legislature along party lines, was vetoed by Gov. Brewer, leaving local governments free to regulate solicitation within constitutional boundaries.

## Voting rights

Continued threats to voting rights were of grave concern this session. Last year's very troubling elections bill, which was the subject of a successful petition for a voter referendum was on everyone's mind as this legislative session began. Rumors were rampant that Republicans in the House and Senate intended to repeal the 2013 law to avoid an election on the issue, while passing new legislation enacting some of the most offensive provisions from the 2013 law, which we opposed at the time. Those provisions included enabling county elections officials to purge certain voters from the state's Permanent Early Voting List and prohibiting volunteers from collecting and submitting completed early ballots. Working with supportive legislators and other advocacy organizations, we closely monitored all legislative activity related to another potential attack on the right to vote in Arizona. This vigorous and relentless oversight of the process proved successful as session ended without the rebirth of the offending measures.

## Reproductive freedom

ACLU of Arizona was again on the job in the area of defending reproductive rights. The same proponents of the vetoed "religious freedom" bill brought legislation to allow unannounced, warrantless inspections of health facilities that provide abortion care. Although mechanisms already exist that allow health officials to inspect clinics, the bill narrowly passed both the House and Senate and was signed by Gov. Brewer.

**The following chart lists the more significant bills we tracked this session and includes a brief description, the ACLU of Arizona's position, and the final status of each measure. Unless otherwise specified in the legislation, enactments this session will become effective on July 24, 2014.**

Bill	Description	Final Status
<b>DISABILITY RIGHTS</b>		
HB 2667 (Support)	Removes archaic and offensive terminology throughout statutes	Signed by Governor (Chapter 215)
<b>FREE SPEECH</b>		
HB 2404 (Oppose)	Criminalizes aggressive solicitation	Vetoed
HB 2515 (Oppose)	Prohibits disclosure of certain private images without the depicted person's consent	Signed by Governor (Chapter 268)
HB 2587 (Oppose)	Creates new laws relating to livestock and poultry cruelty; criminalizes possession of video or photos depicting cruelty or abuse	Held in Senate; no further action
<b>IMMIGRANTS' RIGHTS</b>		
HB 2192 (Oppose)	Establishes new crime for persons not lawfully present in Arizona who "utilize public resources"	Held in committee; no further action
HB 2411 (Oppose)	Makes "knowingly entering or remaining on real property" a criminal trespass violation	Passed Senate; no final action taken in the House

<b>LGBT RIGHTS; RELIGION AND BELIEF</b>		
HB 2481 (Monitor)	Prohibits government from requiring ministers (including judges) to perform marriages inconsistent with their religious beliefs	Passed House committee; no further action taken
SB 1062 (Oppose)	Expands state definition of “exercise of religion” to allow private conduct that would otherwise violate local and state laws	Vetoed
SB 1276 (Monitor)	Allows HIV-related testing to be performed, when requested by a health care provider or first responder, with the patient’s general consent	Signed by Governor (Chapter 222)
<b>PRIVACY RIGHTS</b>		
HB 2185 (Monitor)	Prohibits compliance with 2012 National Defense Authorization Act	Passed House committee; no further action taken
HB 2613 (Monitor)	Makes it “criminal trespass” to knowingly use a drone to observe individuals or private property without permission	Held in committee; no further action
SB 1294 (Monitor)	Prohibits state and local agencies from assisting federal agencies that claim power to collect electronic data or metadata without a warrant	Passed Senate committee; no further action
<b>REPRODUCTIVE RIGHTS</b>		
HB 2284 (Oppose)	Permits unannounced inspections of abortion clinics; adds abortion reporting requirements; makes it unlawful to aid a minor in obtaining abortion in violation of statute	Signed by Governor (Chapter 33)
<b>VOTING RIGHTS</b>		
HB 2196 (Monitor)	Repeals Laws 2013, Chapter 209, which made numerous changes to election laws	Signed by Governor (Chapter 88)