



2025 PUBLIC POLICY AGENDA

Proactive Agenda \ Bill Package

www.acesdv.org



ARIZONA COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

OUR MISSION

ACESDV's mission is to end sexual and domestic violence in Arizona by dismantling oppression and promoting equity among all people.

WHO WE SERVE

Our primary customers are providers of direct services to victims and survivors of sexual and domestic violence. Victims and survivors are the beneficiaries of our work.

OUR HISTORY

The Arizona Coalition Against Domestic Violence was formed in 1980 so that concerned citizens and professionals could unite in a statewide organization to end domestic violence. In 2013, the coalition became the federally-designated dual coalition to address both sexual and domestic violence, becoming the Arizona Coalition to End Sexual and Domestic Violence (ACESDV).

OUR PURPOSE

AMPLIFY awareness of sexual and domestic violence to reduce stigma, prevent violence, and champion healing and justice.

SUPPORT organizations in building and sustaining trauma-informed responses and comprehensive sexual and domestic violence services.

COLLABORATE with survivors and community partners to end violence and oppression by shifting culture, systems and policy.

LEAD the anti-sexual and domestic violence movement in Arizona through centering and elevating the needs and voices of survivors.



FAMILY LAW

Legal Representation in Family Court for Survivors of Domestic Violence

NEED:

When parents go to family court to decide divorce and child custody, survivors of domestic violence are often at a severe disadvantage. Abusers frequently use the courts as another way to harass and control their victims. Because financial abuse is so common, the abusive partner usually has more money and can afford an attorney. Survivors, in contrast, are left to face complex legal proceedings alone.

Arizona law already contains a remedy: courts may order the party with more resources to pay the attorney fees of the party with fewer resources. In practice, however, this is almost never applied. A review of petitions filed on behalf of domestic violence survivors shows that no requests for attorney fees have ever been granted. This leaves survivors unrepresented, silenced, and vulnerable to further harm.

SOLUTION:

Amend ARS §25-403.08

- A. In a proceeding regarding sole or joint legal decision-making or parenting time, either party may request attorney fees, costs and expert witness fees to enable the party with insufficient resources to obtain adequate legal representation and to prepare evidence for the hearing.
- B. If the court finds there is a financial disparity between the parties, the court may order payment of reasonable fees, expenses and costs to allow adequate preparation.
- C. If the court finds there is a financial disparity between the parties and there is order of protection in place, the court should order payment of reasonable fees, expenses and costs to allow adequate preparation.
- D. If there is an order of protection in place and a financial disparity between the parties, the court should order the abusive party to pay the survivor's reasonable legal fees.

This change ensures that survivors have access to counsel when they need it most—protecting their children, their safety, and their future. By making attorney fee awards a requirement rather than an option, we close a dangerous loophole and give survivors a fair chance in family court.

FAMILY LAW

Conciliatory Services in Family Court

NEED:

Currently, many parents navigating family court, particularly survivors of domestic violence, face enormous barriers because of the cost and quality of required conciliatory services. Judges often order therapy or behavioral health interventions, and private providers may require multiple sessions before allowing a survivor to be deemed “cooperative.” These services can cost thousands, sometimes even hundreds of thousands of dollars. Survivors who cannot pay lose access to their children, creating a system where financial means—not safety or the child’s best interests—determine outcomes.

Beyond cost, there are serious concerns about the quality of these services. Private providers used by the courts often lack training in domestic violence, child abuse, and trauma. Survivors’ natural trauma responses may be misinterpreted as hostility or lack of cooperation, while abusers—who often present as charming or persuasive—are rewarded. Unscientific theories such as “parental alienation” are frequently misapplied, leading to harmful and unsafe outcomes for children and survivors. At the same time, private providers have a financial incentive to prolong services, raising questions about conflict of interest.

A better system exists. In jurisdictions where conciliatory services are provided directly by the courts whether through court staff, social service agencies, probation, or welfare departments, costs are not punitive, and services are provided by trained professionals accountable to the court. This ensures decisions are based on safety and child well-being, not on the ability to pay or the opinions of unqualified private contractors.

SOLUTION:

Amend A.R.S. §25-406 to remove the use of private providers and require that investigations and reports be conducted by court-appointed staff or public agencies. This change will:

- Eliminate the crushing financial burden placed on parents, particularly survivors of abuse.
- Ensure professionals involved in these determinations have appropriate training in domestic violence and trauma.
- Protect the integrity of the court by removing financial conflicts of interest.

This reform keeps the focus where it belongs: on the safety of children, the fairness of the process, and the ability of survivors to participate fully in court proceedings without being priced out of justice.

Change A to “The investigation and report may be made by the court social service agency, the staff of the juvenile court, or the local probation or welfare department.”

FAMILY LAW

Temporary Orders in Family Court

NEED:

Temporary orders in family court are intended to be short-term, but in practice they usually become permanent. Courts frequently adopt the status quo established in temporary orders into final orders without significant changes. As temporary orders are intended to be a quick response, consideration of domestic violence does not always occur. This can inadvertently lock children and survivors into unsafe or harmful situations.

To better protect children, temporary orders should prioritize stability by keeping children with their primary caretaker and maintaining their daily routines. If the court believes a change in custody or parenting time away from the status quo is necessary, such as when a parent poses a danger, the court should be required to make clear, written findings that explain why the change is needed and how the child will be protected.

This proposal does not prevent courts from making necessary changes, but it ensures that those decisions are thoughtful, transparent, and focused on the child's best interests. Only when the child's best interest are not served in their current situation should a change be forced upon the child. Adding this requirement may take more court time at the beginning, but because temporary orders so often become permanent, it is critical that they be handled with the time and consideration needed.

SOLUTION:

Amend A.R.S. §25-404: Adding a subsection D:

"Add: D. In considering temporary order, the court should maintain the current living situation to stabilize life for the child(ren). If the court determines that the legal decision-making or parenting time needs to change from the current situation. In making this determination the court shall state its:

1. Findings of fact that support its determination that the parenting time or legal decision making needs to change.
2. Findings that the legal decision-making or parenting time arrangement ordered by the court appropriately protects the child."

This change ensures that temporary orders truly serve children's safety and well-being, rather than becoming default permanent arrangements that may endanger them.

FAMILY LAW

Defining Domestic Violence in Family Court

NEED:

Arizona law currently defines domestic violence for family court purposes, but the inclusion of the word “significant” has created confusion and inconsistency. Judges interpret “significant” in very different ways. For example, some judges might consider only violence resulting in hospitalization as “significant,” forcing shared parenting with a parent who regularly punched, pushed, and kicked their partner but who never sought medical care. Another judge can consider that a single assault is not “significant” as it is not a pattern, requiring shared parenting even when a parent nearly strangled their partner.

This inconsistency puts survivors and children at risk. By removing the word “significant” from the statute, we preserve judicial discretion while making clear that domestic violence should be considered when determining custody and parenting time.

In addition, Arizona law should recognize coercive control as a form of domestic violence. Coercive control is a well-documented pattern of behaviors, including threats, intimidation, financial control, and isolation, that strips survivors of freedom and safety. It can be as harmful as physical violence and as damaging to children, yet often goes unrecognized in court decisions.

SOLUTION:

Amend A.R.S. §25-403.03:

- Remove the word “significant” in subsection A (two instances).
- Add subsection D.4: “Engages in a pattern of coercive control.”
- Define coercive control as a pattern of threatening, humiliating, or intimidating actions designed to harm, punish, or frighten an individual, including but not limited to: isolation, monitoring and controlling finances or activities, degrading name-calling, threats to harm people or pets, misuse of weapons, threats of suicide, property destruction, immigration-related threats, and forced criminal activity.

This change will ensure that courts fully account for the wide range of abusive behaviors that harm survivors and children. By broadening the statute to include coercive control, Arizona will better protect families and recognize the realities of how domestic violence operates.

FAMILY LAW

Shared Parenting Time and Domestic Violence

Some advocates and survivors have raised concerns that Arizona law assumes shared parenting time, even in cases involving domestic violence. This concern is valid in many states, where statutes create a legal presumption of shared parenting, even when abuse has occurred. Such presumptions put survivors and children at serious risk, as seen in states like Kentucky, Missouri, Arkansas, and Florida. Arizona law is different.

Our statute, **A.R.S. §25-403**, does not presume shared parenting time. Instead, it directs the court to make custody decisions based on the best interest of the child. Importantly, domestic violence is explicitly listed as a factor that weighs against shared parenting. This statutory framework already prioritizes child safety and allows judges to deny shared parenting when abuse is present.

The challenge lies not in the statute itself, but in how it is sometimes applied. Judges may, in practice, favor shared parenting, and temporary orders are often carried into permanent orders without sufficient reconsideration. These are issues of implementation, not of statute.

Because Arizona law already avoids the dangerous presumption of shared parenting in cases of domestic violence, we are not seeking a statutory change in this area. Instead, our focus should be on ensuring the law is applied as written—keeping the best interests of children and the safety of survivors at the forefront.



HOUSING

Protect Housing for Survivors of Violence by Prohibiting Evictions of Victims

NEED:

Safe and stable housing is one of the most critical needs for survivors of domestic and sexual violence. Without housing, survivors cannot rebuild their lives, care for their children, or safely separate from their abuser. Yet in Arizona, the demand for housing and shelter far outpaces availability. In urban areas alone, more than 500 calls for services are turned away every month due to lack of shelter space. In the 2023 Statewide Needs Assessment, every direct service provider identified housing as the number one unmet need for survivors.

Despite this overwhelming need, survivors continue to face eviction under nuisance laws. These ordinances allow landlords to evict tenants when police are called multiple times to the same residence. For survivors, those calls are often lifesaving interventions in situations of violence. Instead of being protected, survivors are punished for seeking help, left without housing, and pushed into further danger. While some Arizona municipalities have repealed these ordinances, the problem persists in others, leaving survivors vulnerable to eviction simply because they reported abuse.

This is not only unjust, it is counterproductive. Survivors who fear eviction are less likely to call law enforcement, which jeopardizes their safety and undermines community public safety.

SOLUTION:

Amend A.R.S. §13-2917 to explicitly exclude survivors of crime, particularly domestic and sexual violence, from nuisance-based evictions.

This change ensures that survivors are not forced into homelessness for seeking help and would align with the state's commitment to public safety and victim protection.



HOUSING

Remove Eviction History as a Barrier for Survivors

NEED:

For survivors of domestic violence, an eviction history can be a lifelong barrier to safe housing. Many survivors are evicted not because of their own choices, but because of abuse. Abusers frequently engage in financial abuse, refusing to pay rent, sabotaging income, or leaving unpaid debts, that results in an eviction judgment in the survivor's name. When an abuser is removed from the home by law enforcement, survivors often lose both their partner's income and their housing, forced to choose between safety and homelessness.

These evictions, which are directly tied to the violence survivors endure, should not follow them indefinitely. Yet landlords routinely deny housing applications based on past evictions, either by checking court eviction records or by reviewing unpaid rental judgments in credit histories. Survivors who have already lost so much are then blocked from rebuilding their lives because of circumstances beyond their control.

Arizona has the opportunity to remove this barrier by sealing eviction records when the eviction was a direct result of domestic violence. This simple but powerful reform ensures that survivors are not permanently punished for the abuse they endured, and that they have a fair chance to access safe housing for themselves and their children.

SOLUTION:

Amend A.R.S. §33-1379 to add subsection C:

"The court shall also order the sealing of the case in actions that are the direct result of domestic violence."

By sealing these records, Arizona can eliminate one of the most persistent obstacles survivors face and help ensure that leaving an abusive relationship does not mean losing the ability to ever find housing again.



FIREARMS

Close the Loophole: Keep Guns Out of the Hands of Domestic Violence Misdemeanants

NEED:

We have agreed as a society that people who abuse their partners and children should not have access to firearms. The risk is too great, family annihilation remains a very real fear, and domestic violence calls are among the most dangerous situations law enforcement officers face. Yet in Arizona, there is a glaring gap in our firearm laws that put survivors, children, and officers at risk.

Currently, firearm possession is forbidden for individuals subject to an order of protection and for those convicted of a felony. But there is a “middle ground” that the law fails to address: domestic violence misdemeanants. These are individuals who have already been convicted of violent behavior, yet under Arizona law they retain the right to own and possess firearms.

Federal law (18 U.S.C. §921) does prohibit some domestic violence misdemeanants from possessing firearms and ammunition. However, there are two serious flaws:

- The federal definition of domestic violence is much narrower than Arizona’s, covering only certain intimate partner relationships. This means many abusers convicted under Arizona’s domestic violence laws fall outside federal restrictions and remain armed.
- Federal law requires that offenders have been represented by counsel or that they waived their right to counsel. In Arizona, most domestic violence misdemeanor defendants are not represented by counsel, which means they do not fall under the federal prohibition.

The result is clear: abusers convicted of domestic violence in Arizona can keep their guns, despite having already shown a willingness to use violence. This is a dangerous and unacceptable loophole.

SOLUTION:

Amend A.R.S. §13-3101 to add domestic violence misdemeanants to the definition of “prohibited possessors.” This would allow Arizona to enforce firearm restrictions using our own broader definition of domestic violence and our own state systems, rather than relying on narrow and inconsistent federal standards.

This reform protects survivors and children from further harm, reducing the danger to law enforcement officers, and prevents lethal outcomes in homes where violence has already been proven.

FIREARMS

Expand Firearm Forfeiture to Cover Weapons Used in Abuse

NEED:

Arizona law currently allows the forfeiture of firearms, but only when the weapon has been used, displayed, or unlawfully possessed in the commission of a felony (A.R.S. §13-3105). This narrow scope leaves a dangerous gap. Weapons used to threaten, coerce, or harm survivors in the context of domestic violence, sexual assault, or sex trafficking often fall outside this definition, particularly when the underlying charge is not classified as a felony. As a result, abusers can keep or reclaim weapons even after using them to terrorize their victims.

This puts survivors, children, and communities at ongoing risk. Firearms are frequently used in domestic violence to intimidate and control, without a single shot being fired. Survivors describe abusers cleaning guns at the kitchen table, displaying them during arguments, or threatening to use them against loved ones. In sex trafficking and sexual assault, weapons are often used as tools of coercion, reinforcing power and control of the victim ensuring they will not leave. Yet under current law, unless the abuser's actions meet the threshold of a felony, these guns remain in circulation, available for continued use in abuse.

Arizona must close this loophole by expanding forfeiture to include firearms used in domestic violence, sexual assault, and sex trafficking offenses, regardless of whether the crime is charged as a felony and regardless of who owns the weapon. This ensures that guns used as instruments of intimidation or harm are permanently removed from dangerous individuals and situations.

SOLUTION:

Amend A.R.S. §13-3105 to authorize forfeiture of any firearm used to harm, threaten, intimidate, or coerce in the commission of: Domestic violence offenses, Sexual assault offenses, and Sex trafficking offenses.

This reform will:

- Remove weapons that abusers use to terrorize families.
- Protect survivors from ongoing threats and intimidation.
- Enhance law enforcement and community safety by ensuring guns used in abuse are permanently out of circulation.

FUNDING

Arizona has experienced a significant increase in the demand for victim services. With our current housing crisis, survivors are often forced to choose between returning to their abusers or facing homelessness. If survivors are not able to access affordable housing to exit from shelter, they stay in emergency shelter longer, preventing another person that needs a safe exit to shelter from accessing that bed. The need remains greater than supply in urban areas of Arizona - an average of over 500 calls for services are being turned away monthly. Additionally, in the 2023 Statewide Needs Assessment, every agency providing direct services to domestic violence victims identified housing as the primary need for survivors.

1. Backfill Victim of Crime Act funding for Arizona: \$19 million

The single largest source of funding for services for victims of crime is Victim of Crime Act (VOCA) funding which has annually provided between \$45 million to \$50 million to services for victims of crime, including domestic violence and sexual assault survivors. VOCA funds have been a cornerstone in providing critical support to victims of crime, but the unpredictability of federal allocations has placed an undue strain on service providers. It is imperative that Arizona backfill VOCA consistently to be able to ensure stability in funding for service providers and consistency in critical services for survivors. Arizona has faced a cut of 40% to 60% the past three years, which would result in halving victim service providers budget and thus services. Arizona needs an ongoing allocation to backfill federal VOCA funding to at minimum maintain the \$50 million funding amount. As the amount of the necessary increase is dependent on both federal appropriations and the amount in the CVF, additional funding may be necessary.

2. Renew the Sexual Violence Services Fund - \$ 2 million

Services for sexual assault survivors are funded by the state through the Sexual Violence Services Fund and the Child and Family Advocacy Center Fund. An initial deposit from American Rescue Plan Act funds into the Sexual Violence Services Fund allowed expansion of services within Arizona, but with the ending of those dollars, we face a cliff that could close those services. To maintain the gains in services for survivors, \$2 million annually to the Sexual Violence Services Fund is needed.



SEXUAL ASSAULT PROTECTIONS

Establish Sexual Assault Survivors' Bill of Rights

Survivors of sexual violence deserve to be treated with dignity, compassion, and respect. Yet too often, they are forced into a criminal legal system centered on prosecution, where their own needs and healing are overlooked. Survivors frequently describe feeling used by the process rather than supported by it. Arizona has the opportunity to change this by establishing a Sexual Assault Survivors' Bill of Rights. Survivors consistently express a desire for clear information, choice, and support. They want timely updates about the status of their sexual assault kits and to understand how evidence is handled. A forensic exam is deeply personal—it involves collecting pieces of a person's body and property—and survivors deserve to know what is happening with that evidence. Research shows that this knowledge gives survivors a greater sense of control and promotes healing.

Access to a victim advocate is also critical. Advocates provide emotional support, help survivors navigate complex legal processes, connect them to resources, and serve as a trusted person focused solely on their well-being. Survivors should also be able to choose where they undergo a forensic medical exam, selecting a qualified provider that is convenient and comfortable for them. Limiting this choice undermines survivor autonomy and forces them into retraumatizing situations. This bill goes beyond minimum federal requirements and ensures Arizona survivors have access to the full range of protections they deserve. By enacting this legislation, Arizona could also qualify for additional federal funding, up to 10% more in STOP and SASP formula grant funds, bringing in critical resources for victim services.

Sexual Assault Survivor Bill of Rights which includes:

- the right to consult with a sexual assault victim advocate during all medical exams and legal interviews. Advocates provide emotional support, explain rights, connect survivors to resources, and help them navigate difficult processes. Survivors also retain the right to have counsel present at all stages of medical, investigative, and legal proceedings.
- The right to not be charged for the costs of medical forensic examinations. This ensures financial barriers never prevent someone from accessing critical evidence collection and care.
- The right to be informed of their rights before any exam or interview begins. They must also be told of their right to shower after an exam, their right to choose the gender of the peace officer or prosecutor interviewing them, and their right to decline or delay evidence collection if an advocate cannot be present in a timely manner.

SEXUAL ASSAULT PROTECTIONS

Establish Sexual Assault Survivors' Bill of Rights Continued

- The right to a prompt analysis of their sexual assault kit and to be informed about its status, retention, and results. Kits must be transferred quickly to a crime lab, preserved according to law, and survivors must be notified before any disposal. Importantly, evidence from a sexual assault kit cannot be used against the survivor for unrelated misdemeanor or prostitution offenses.
- The right to be notified of case progress and outcomes, including pretrial dispositions, sentencing, and custody status of the offender. They must also be provided with information about a convicted defendant's presence on the sex offender registry.

Create new A.R.S. § 13-1426, as the Sexual Assault Survivor Bill of Rights, with the existing A.R.S. § 13-1426 becoming the new A.R.S. § 13-1427.



SEXUAL ASSAULT PROTECTIONS

A. IN ADDITION TO THE RIGHTS ENUMERATED IN THE VICTIMS' BILL OF RIGHTS, ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA, A SEXUAL ASSAULT SURVIVOR HAS THE FOLLOWING RIGHTS:

1. TO CONSULT WITH A SEXUAL ASSAULT VICTIM ADVOCATE WHEN DURING ANY MEDICAL EVIDENTIARY OR PHYSICAL EXAMINATION AND DURING ANY INTERVIEW BY A PEACE OFFICER, PROSECUTOR OR DEFENSE ATTORNEY. A SEXUAL ASSAULT SURVIVOR RETAINS THIS RIGHT EVEN IF THE SURVIVOR HAS WAIVED THIS RIGHT IN A PREVIOUS EXAMINATION OR INTERVIEW.

3. TO NOT BE CHARGED DIRECTLY OR INDIRECTLY FOR ANY COSTS INCURRED BY A QUALIFIED HEALTH CARE PROFESSIONAL, HOSPITAL OR OTHER EMERGENCY MEDICAL FACILITY FOR THE MEDICAL EVIDENTIARY EXAMINATION OF A SEXUAL ASSAULT SURVIVOR.

4. BEFORE A MEDICAL FACILITY COMMENCES A MEDICAL EVIDENTIARY OR PHYSICAL EXAMINATION OF A SEXUAL ASSAULT SURVIVOR, TO BE INFORMED BY THE MEDICAL FACILITY OF THE FOLLOWING:

(a) THE SURVIVOR'S RIGHTS PURSUANT TO THIS SECTION AND OTHER RELEVANT LAWS IN A DOCUMENT THAT IS DEVELOPED BY THE ATTORNEY GENERAL AND THAT IS SIGNED BY THE SURVIVOR TO CONFIRM RECEIPT.

(b) THE SURVIVOR'S RIGHT TO CONSULT WITH A SEXUAL ASSAULT VICTIM ADVOCATE WHO IS SUMMONED BY THE MEDICAL FACILITY BEFORE THE MEDICAL EVIDENTIARY OR PHYSICAL EXAMINATION COMMENCES UNLESS A SEXUAL ASSAULT VICTIM ADVOCATE CANNOT BE SUMMONED IN A REASONABLY TIMELY MANNER.

(c) IF A SEXUAL ASSAULT VICTIM ADVOCATE CANNOT BE SUMMONED IN A REASONABLY TIMELY MANNER, THE RAMIFICATIONS OF DELAYING THE MEDICAL EVIDENTIARY OR PHYSICAL EXAMINATION.

(d) AFTER THE MEDICAL EVIDENTIARY OR PHYSICAL EXAMINATION, THE SURVIVOR'S RIGHT TO SHOWER AT NO COST UNLESS SHOWERING FACILITIES ARE NOT AVAILABLE.

5. BEFORE COMMENCING AN INTERVIEW, TO HAVE A PEACE OFFICER OR PROSECUTOR INFORM THE SEXUAL ASSAULT SURVIVOR OF THE FOLLOWING RIGHTS:

(a) THE SURVIVOR'S RIGHTS PURSUANT TO THIS SECTION AND OTHER RELEVANT LAWS IN A DOCUMENT THAT IS DEVELOPED BY THE ATTORNEY GENERAL AND THAT IS SIGNED BY THE SURVIVOR TO CONFIRM RECEIPT.

(b) THE SURVIVOR'S RIGHT TO CONSULT WITH A SEXUAL ASSAULT VICTIM ADVOCATE DURING AN INTERVIEW BY A PEACE OFFICER, PROSECUTOR OR DEFENSE ATTORNEY. THE INTERVIEWER MUST SUMMON THE SEXUAL ASSAULT VICTIM ADVOCATE BEFORE COMMENCING THE INTERVIEW UNLESS A SEXUAL ASSAULT VICTIM ADVOCATE CANNOT BE SUMMONED IN A REASONABLY TIMELY MANNER.

(c) THE SURVIVOR'S RIGHT TO BE INTERVIEWED BY A PEACE OFFICER OR PROSECUTOR OF THE SAME GENDER OR OPPOSITE GENDER AS THE SURVIVOR UNLESS A PEACE OFFICER OR PROSECUTOR OF THE SAME GENDER OR OPPOSITE GENDER IS NOT REASONABLY AVAILABLE.

6. TO HAVE COUNSEL PRESENT DURING ALL STAGES OF ANY MEDICAL EXAMINATION, INVESTIGATION OR OTHER INTERACTION WITH REPRESENTATIVES FROM THE LEGAL AND CRIMINAL JUSTICE SYSTEMS AS PRESCRIBED BY THIS SECTION. TREATMENT OF THE SURVIVOR SHOULD NOT BE AFFECTED OR ALTERED IN ANY WAY AS A RESULT OF THE SURVIVOR'S DECISION TO EXERCISE THE RIGHT TO HAVE COUNSEL PRESENT DURING ANY INTERACTION WITH THE LEGAL AND CRIMINAL JUSTICE SYSTEMS.

7. TO A PROMPT ANALYSIS OF SEXUAL ASSAULT KIT EVIDENCE AS PROVIDED BY SECTION 131426.

8. TO HAVE A MEDICAL PROVIDER, ON CONDUCTING A MEDICAL EVIDENTIARY EXAMINATION TO COLLECT SEXUAL ASSAULT KIT EVIDENCE, INFORM THE SEXUAL ASSAULT SURVIVOR THAT:

(a) THE SEXUAL ASSAULT KIT EVIDENCE WILL BE TRANSPORTED TO THE CRIME LABORATORY AND ANALYZED AS SOON AS PRACTICABLE UNLESS THE SURVIVOR REQUESTS IN WRITING THAT THE CRIME LABORATORY DEFER ANALYSIS OF THE SEXUAL ASSAULT KIT EVIDENCE.

(b) THE CRIME LABORATORY WILL RETAIN THE SEXUAL ASSAULT KIT EVIDENCE IN ACCORDANCE WITH SECTION 134221.

(c) THE SURVIVOR MAY REQUEST THAT THE CRIME LABORATORY ANALYZE THE SEXUAL ASSAULT KIT EVIDENCE AT ANY LATER DATE THAT IS BEFORE THE EXPIRATION OF THE RETENTION PERIOD PRESCRIBED IN SECTION 134221.

SEXUAL ASSAULT PROTECTIONS

9. TO HAVE A MEDICAL PROVIDER, WITHIN FORTYEIGHT HOURS AFTER COLLECTING SEXUAL ASSAULT KIT EVIDENCE, NOTIFY THE LAW ENFORCEMENT AGENCY THAT HAS JURISDICTION OVER THE ALLEGED ASSAULT AS PRESCRIBED IN SECTION 131426.

10. TO HAVE A LAW ENFORCEMENT AGENCY THAT RECEIVES NOTICE UNDER PARAGRAPH 11 OF THIS SUBSECTION TAKE POSSESSION OF THE SEXUAL ASSAULT KIT EVIDENCE FROM THE MEDICAL PROVIDER AND SUBMIT IT TO THE CRIME LABORATORY WITHIN FIFTEEN BUSINESS DAYS AFTER RECEIVING THE NOTICE AND, IF THE SURVIVOR HAS GIVEN WRITTEN CONSENT TO FILE A CRIMINAL COMPLAINT, ASSIGN A CRIMINAL COMPLAINT NUMBER TO THAT EVIDENCE WITHIN FIVE DAYS AFTER RECEIVING THE NOTICE. IF A LAW ENFORCEMENT AGENCY DETERMINES THAT IT DOES NOT HAVE JURISDICTION, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE LAW ENFORCEMENT AGENCY THAT HAS PROPER JURISDICTION OF THAT FACT WITHIN FIVE DAYS AFTER TAKING POSSESSION OF THE SEXUAL ASSAULT KIT EVIDENCE. THE LAW ENFORCEMENT AGENCY THAT HAS PROPER JURISDICTION SHALL TAKE POSSESSION OF THE SEXUAL ASSAULT KIT EVIDENCE FROM THE LAW ENFORCEMENT AGENCY THAT DOES NOT HAVE JURISDICTION AND SUBMIT IT TO THE CRIME LABORATORY WITHIN FIVE DAYS AFTER RECEIVING THE NOTICE.

11. TO NOT HAVE SEXUAL ASSAULT KIT EVIDENCE USED:

(a) TO PROSECUTE A SEXUAL ASSAULT SURVIVOR FOR A MISDEMEANOR OFFENSE OR ANY OFFENSE INCLUDED IN CHAPTER 34 OF THIS TITLE.

(b) AS A BASIS TO SEARCH FOR FURTHER EVIDENCE OF ANY UNRELATED MISDEMEANOR OFFENSE OR ANY OFFENSE INCLUDED IN CHAPTER 34 OF THIS TITLE THAT MAY HAVE BEEN COMMITTED BY THE SEXUAL ASSAULT SURVIVOR.

12. TO NOT BE REQUIRED TO SUBMIT TO A POLYGRAPH EXAMINATION AS A PREREQUISITE TO FILING AN ACCUSATORY PLEADING OR TO PARTICIPATING IN ANY PART OF THE CRIMINAL JUSTICE SYSTEM.

b. ON WRITTEN REQUEST BY A SEXUAL ASSAULT SURVIVOR, A PEACE OFFICER SHALL FURNISH A FREE, COMPLETE AND UNALTERED COPY OF ALL LAW ENFORCEMENT REPORTS CONCERNING THE SEXUAL ASSAULT, REGARDLESS OF WHETHER THE REPORT HAS BEEN CLOSED BY THE LAW ENFORCEMENT AGENCY.

c. ON WRITTEN REQUEST BY A SEXUAL ASSAULT SURVIVOR, A PROSECUTOR SHALL PROVIDE:

1. TIMELY NOTICE OF ANY PRETRIAL DISPOSITION OF THE CASE AS REQUIRED BY THIS CHAPTER.

2. TIMELY NOTICE OF THE FINAL DISPOSITION OF THE CASE, INCLUDING THE CONVICTION, SENTENCE AND PLACE AND TIME OF INCARCERATION, AS REQUIRED BY THIS CHAPTER.

3. TIMELY NOTICE OF A CONVICTED DEFENDANT'S LOCATION, INCLUDING WHENEVER THE DEFENDANT RECEIVES A TEMPORARY, PROVISIONAL OR FINAL RELEASE FROM CUSTODY, ESCAPES FROM CUSTODY, IS MOVED FROM A SECURE FACILITY TO A LESS SECURE FACILITY OR REENTERS CUSTODY, AS REQUIRED BY THIS CHAPTER.

4. A CONVICTED DEFENDANT'S INFORMATION ON A SEX OFFENDER REGISTRY, IF ANY.

d. FOR THE PURPOSES OF THIS SECTION:

1. "CRIME LABORATORY" MEANS A LABORATORY THAT IS OPERATED BY A POLITICAL SUBDIVISION, THAT HAS AT LEAST ONE REGULARLY EMPLOYED FORENSIC SCIENTIST WHO HOLDS A MINIMUM OF A BACHELOR'S DEGREE IN A PHYSICAL OR NATURAL SCIENCE AND THAT IS REGISTERED AS AN ANALYTICAL LABORATORY WITH THE DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE FOR THE POSSESSION OF ALL SCHEDULED CONTROLLED SUBSTANCES.

2. "SEXUAL ASSAULT KIT EVIDENCE" OR "KIT" MEANS ANY HUMAN BIOLOGICAL SPECIMEN THAT IS COLLECTED BY A MEDICAL PROVIDER DURING A FORENSIC MEDICAL EXAMINATION FROM AN ALLEGED SEXUAL ASSAULT SURVIVOR, INCLUDING, WHEN CIRCUMSTANCES INDICATE THE NEED, A TOXICOLOGY KIT.

3. "SEXUAL ASSAULT SURVIVOR" OR "SURVIVOR" MEANS A PERSON WHO IS A VICTIM OF SEXUAL ASSAULT PURSUANT TO SECTION 131406 AND INCLUDES THE PARENT, THE GUARDIAN, THE SPOUSE, ANOTHER PERSON RELATED TO THE SURVIVOR BY CONSANGUINITY OR AFFINITY TO THE SECOND DEGREE OR A LAWFUL REPRESENTATIVE OF THE SURVIVOR IF THE SURVIVOR IS INCOMPETENT, DECEASED OR A MINOR WHO IS UNABLE TO CONSENT TO COUNSELING SERVICES UNLESS THE LAWFUL REPRESENTATIVE IS THE ALLEGED ASSAILANT.

4. "SEXUAL ASSAULT VICTIM ADVOCATE" HAS THE SAME MEANING PRESCRIBED IN SECTION 122240.

DISABILITY

TBD

Amend 15-245 to require curriculum on both 46-451 and 13-3620 (this will take Elizabeth's support as it is an unfunded mandate)

- Amend 46-451 specifying which classes of reporters are also required to receive the training produced by APAAC on a regular basis. Not all classes will be reasonable to require training for as there is no way to track or hold folks responsible for this. We can usually do this if they hold licensure (i.e. Social workers or medical field) as we can make the licensing board responsible for tracking.



CONNECT WITH US

www.acesdv.org/public-policy-advocacy/

ACESDV advocates for systemic change to increase safety for victims/survivors of sexual and domestic violence and their children. We believe in accountability for people who commit harm, and work on big picture issues impacting sexual and domestic violence victims/survivors and direct service providers.

As part of our policy work, we do the following:

- Monitor policies, procedures and practices
- Advocate for systems level changes
- Educate lawmakers on needed statutory changes and sexual and domestic violence
- Work with the criminal legal system, human services, and other community partners to enhance system responses to sexual and domestic violence

Legislative Action:

- We track a number of bills relating to sexual and domestic violence victims/survivors, increasing accountability for people who commit harm, and funding for sexual and domestic violence programs and services.

The Arizona Legislative Session starts the second Monday in January every year and goes for approximately 100 days. We send out bi-weekly Legislative Updates during the legislative session. Please visit our website for more information.

www.acesdv.org

www.arizonasurvivors.org



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