

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1161
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-1103, to read:

4 38-1103. Discharge and discipline of law enforcement officers;
5 definitions

6 A. A LAW ENFORCEMENT OFFICER SHALL NOT BE SUBJECT TO DISCIPLINARY
7 ACTION EXCEPT FOR JUST CAUSE.

8 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY LAW ENFORCEMENT
9 OFFICER WHO HAS NOT COMPLETED AN INITIAL PROBATIONARY PERIOD AS A LAW
10 ENFORCEMENT OFFICER IF A PROBATIONARY PERIOD IS REQUIRED BY THE EMPLOYER OR
11 TO A DISMISSAL THAT IS FOR ADMINISTRATIVE PURPOSES, INCLUDING A REDUCTION IN
12 FORCE.

13 C. THIS SECTION DOES NOT PREEMPT AGREEMENTS, INCLUDING PREEXISTING
14 AGREEMENTS, BETWEEN THE EMPLOYER AND ANY LAW ENFORCEMENT OFFICERS' LAWFUL
15 REPRESENTATIVE ASSOCIATION.

16 D. FOR THE PURPOSES OF THIS SECTION:

17 1. "DISCIPLINARY ACTION" HAS THE SAME MEANING PRESCRIBED IN SECTION
18 38-1101.

19 2. "JUST CAUSE" MEANS:

20 (a) THE OFFICER'S CONDUCT WAS SUCH THAT THE OFFICER SHOULD HAVE
21 REASONABLY KNOWN DISCIPLINARY ACTION COULD OCCUR OR THE EMPLOYER INFORMED THE
22 OFFICER OF THE POSSIBLE DISCIPLINARY ACTION RESULTING FROM THE OFFICER'S
23 CONDUCT THROUGH ANY OF THE FOLLOWING:

24 (i) AGENCY MANUALS.

25 (ii) EMPLOYEE HANDBOOKS.

26 (iii) THE EMPLOYER'S RULES AND REGULATIONS.

27 (iv) OTHER COMMUNICATIONS TO THE OFFICER.

1 (b) THE DISCIPLINARY ACTION IS REASONABLY RELATED TO ANY OF THE
2 FOLLOWING:

3 (i) THE STANDARDS OF CONDUCT FOR A PROFESSIONAL LAW ENFORCEMENT
4 OFFICER.

5 (ii) THE MISSION OF THE AGENCY.

6 (iii) THE ORDERLY, EFFICIENT OR SAFE OPERATION OF THE AGENCY.

7 (iv) THE OFFICER'S FITNESS FOR DUTY.

8 (c) THE DISCIPLINE IS SUPPORTED BY A PREPONDERANCE OF EVIDENCE THAT
9 THE CONDUCT OCCURRED.

10 (d) THE DISCIPLINE IS NOT EXCESSIVE AND IS REASONABLY RELATED TO THE
11 SERIOUSNESS OF THE OFFENSE AND THE OFFICER'S SERVICE RECORD.

12 3. "LAW ENFORCEMENT OFFICER" MEANS:

13 (a) AN INDIVIDUAL WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER
14 STANDARDS AND TRAINING BOARD, OTHER THAN A PERSON EMPLOYED BY A MULTI-COUNTY
15 WATER CONSERVATION DISTRICT OR NOT OTHERWISE EXEMPTED BY ANY EXISTING MERIT
16 SYSTEM.

17 (b) A DETENTION OFFICER, OTHER THAN A JUVENILE DETENTION OFFICER, OR
18 CORRECTION OFFICER WHO IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION
19 OF THIS STATE.

20 Amend title to conform

and, as so amended, it do pass

STEVE B. MONTENEGRO
Vice-Chairman

1161-se-gov
6/26/09
H:jmb

1161sc
06/24/2009
3:01 PM
C: sp

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