

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1041
(Reference to Senate engrossed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 22-131, Arizona Revised Statutes, is amended to read:

22-131. Constables; powers and duties; prohibited acts

A. Constables shall attend the courts of justices of the peace within their precincts when required, and within their counties execute, serve and return all processes, warrants and notices directed or delivered to them by a justice of the peace of the county or by competent authority. In addition to any other provision of law these duties may be enforced by the presiding judge of the superior court in the county, including the use of the power of contempt.

B. Constables shall attend the training prescribed in section 22-137.

C. Constables, with the consent of and at salaries fixed by the board of supervisors, may appoint deputies who are certified pursuant to section 41-1822, subsection A, paragraph 3, stenographers, clerks and assistants necessary to conduct the affairs of their offices. The appointments shall be in writing and filed in the office of the county recorder.

D. The provisions of law relating to sheriffs, as far as applicable, shall govern the powers, duties and liabilities of constables.

E. A constable who is duly elected or who is appointed by the board of supervisors has the authority of a peace officer only in the performance of the constable's official duties.

F. A constable may execute, serve and return processes and notices as prescribed in subsection A of this section within any precinct in another county if that precinct adjoins the precinct in which the constable was elected or appointed.

G. A CONSTABLE IS PROHIBITED FROM ENGAGING IN ANY ACT AS A PRIVATE PROCESS SERVER OUTSIDE OF THE CONSTABLE'S ELECTED OR APPOINTED DUTIES. A CONSTABLE SHALL NOT OWN AN INTEREST IN ANY ENTITY THAT OPERATES A PRIVATE PROCESS SERVING BUSINESS. THIS SUBSECTION DOES NOT APPLY TO A CONSTABLE WHO EMPLOYS A PRIVATE PROCESS SERVER ON BEHALF OF THE COUNTY.

Sec. 2. Section 22-136, Arizona Revised Statutes, is amended to read:

22-136. Constable ethics standards and training board

A. A constable ethics standards and training board is established consisting of the following voting members:

1 1. Two constables from counties with a population of less than one
2 million persons who are appointed by the Arizona association of counties.

3 2. Two constables from counties with a population of one million or
4 more persons who are appointed by the Arizona association of counties.

5 3. One ELECTED justice of the peace who is appointed by the chief
6 justice of the supreme court.

7 4. One county administrator or designee who is appointed by the county
8 supervisors association.

9 5. One sheriff who is appointed by the governor.

10 6. One member of the public who is appointed by the governor.

11 7. One member who is a board member of the Arizona multihousing
12 association at the time of appointment and who is appointed by the governor.

13 8. THE DIRECTOR OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING
14 BOARD OR THE DIRECTOR'S DESIGNEE.

15 B. The board shall annually elect a chairperson, vice-chairperson and
16 secretary from among its members. The chairperson may establish committees
17 to assist and advise the board in carrying out its responsibilities. A
18 majority of the board constitutes a quorum and a majority vote of the quorum
19 is necessary for the board to take any action.

20 C. Terms of the board members are four years. If a member ceases to
21 hold the position that qualified the member for the appointment, the member's
22 membership terminates and the appointing authority pursuant to subsection A
23 fills the vacancy for the unexpired term.

24 D. Members of the board are not eligible to receive compensation but
25 are eligible for reimbursement of expenses pursuant to title 38, chapter 4,
26 article 2."

27 Amend title to conform

and, as so amended, it do pass

DAVID GOWAN
Chairman

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