

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1083

AN ACT

AMENDING SECTION 13-4315, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1758.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 113, SECTION 4, CHAPTER 177, SECTION 3 AND CHAPTER 203, SECTION 4; REPEALING SECTION 41-1758.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 190, SECTION 33; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 20; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3022.01; RELATING TO THE ARIZONA SPECIAL MISSIONS UNIT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4315, Arizona Revised Statutes, is amended to
3 read:

4 13-4315. Allocation of forfeited property

5 A. Any property, including all interests in property, forfeited to the
6 state under this title shall be transferred as requested by the attorney for
7 the state to the seizing agency or to the agency or political subdivision
8 employing the attorney for the state, which may do any of the following:

9 1. Sell, lease, lend or transfer the property to any local or state
10 government entity or agency or political subdivision, law enforcement agency
11 or prosecutorial agency or any federal law enforcement agency which operates
12 within this state for official federal, state or political subdivision use
13 within this state, with expenses for keeping and transferring such property
14 to be paid by the recipient. Property may not be allocated for official use
15 if the fair market value of the property substantially exceeds the agency's
16 probable cost of purchasing other property equally suited for the intended
17 official use. Property that is allocated for official use may not be
18 assigned for use by any person who supervised or exercised discretion in its
19 forfeiture unless the use is approved in writing by the head of the agency.

20 2. Sell forfeited property by public or otherwise commercially
21 reasonable sale with expenses of keeping and selling the property and the
22 amount of all valid interests established by claimants paid out of the
23 proceeds of the sale with the balance paid into the anti-racketeering fund of
24 the state or of the county in which the political subdivision seizing the
25 property or prosecuting the action is located. A sale of forfeited property
26 may not be made to any employee of the seizing agency, any person who
27 participated in the forfeiture, any employee of a contractor selling the
28 property on behalf of the seizing agency or any member of the immediate
29 family of any of these employees or persons.

30 3. Destroy or use for investigative purposes any illegal or controlled
31 substances or other contraband at any time more than twenty days after
32 seizure, on written approval of the attorney for the state, preserving only
33 such material as may be necessary for evidence.

34 4. Sell, use or destroy all raw materials, products and equipment of
35 any kind used or intended for use in manufacturing, compounding or processing
36 a controlled substance.

37 5. Compromise and pay claims against property forfeited pursuant to
38 any provision of this section.

39 6. Make any other disposition of forfeited property authorized by law
40 for the disposition of property of the state, government entity, agency or
41 political subdivision.

42 B. Notwithstanding subsection A of this section or any other provision
43 of law to the contrary:

44 1. If the property forfeited is money, and a law enforcement agency
45 can specifically identify monies as being from its investigative funds or as

1 being exchanged for property from its investigative property, the monies
2 shall be remitted to the investigative fund. If there are additional
3 forfeited monies or monies tendered on satisfaction by an interest holder
4 which cannot be specifically identified, the court shall order the monies
5 returned to each law enforcement agency that makes a showing of costs or
6 expenses which it incurred in connection with the investigation and
7 prosecution of the matter and shall order all excess monies remaining after
8 such returns deposited in the anti-racketeering fund of this state or of the
9 county in which the political subdivision seizing the monies or prosecuting
10 the action is located, established pursuant to section 13-2314.01 or
11 13-2314.03.

12 2. If the property declared forfeited is an interest in a vehicle, the
13 court shall order it forfeited to the local, state or other law enforcement
14 agency seizing the vehicle for forfeiture or to the seizing agency.

15 C. Monies in any anti-racketeering fund established pursuant to this
16 title may be used, in addition to any other lawful use, for:

17 1. The payment of any expenses necessary to seize, detain, appraise,
18 inventory, protect, maintain, preserve the availability of, advertise or sell
19 property that is subject to forfeiture and that is seized, detained or
20 forfeited pursuant to this title or of any other necessary expenses incident
21 to the seizure, detention, preservation or forfeiture of the property. The
22 payments may include payments for contract services and payments to reimburse
23 any federal, state or local agency for any expenditures made to perform the
24 functions of the seizing agency.

25 2. The payment of awards for information or assistance leading to a
26 civil or criminal proceeding under this title.

27 3. The payment of compensation from forfeited property to injured
28 persons as provided in section 13-4311, subsection N, paragraph 3.

29 D. Each attorney for the state shall submit a copy of each forfeiture
30 judgment, including each order of forfeiture, to the Arizona criminal justice
31 commission within sixty days after the forfeiture judgment becomes final or
32 after the conclusion of appellate review, if any.

33 E. NOTWITHSTANDING ANY OTHER LAW, FOR THE PURPOSES OF THIS SECTION,
34 THE ARIZONA SPECIAL MISSIONS UNIT IS CONSIDERED A SEIZING AGENCY IN CASES IN
35 WHICH THE SPECIAL MISSIONS UNIT PARTICIPATES AND COOPERATES WITH STATE OR
36 LOCAL LAW ENFORCEMENT AGENCIES IN ACTIVITIES THAT RESULT IN A SEIZURE OF
37 PROPERTY FOR FORFEITURE UNDER THIS CHAPTER.

38 Sec. 2. Section 41-1758.01, Arizona Revised Statutes, as amended by
39 Laws 2011, chapter 113, section 4, chapter 177, section 3 and chapter 203,
40 section 4, is amended to read:

41 41-1758.01. Fingerprinting division; duties

42 The fingerprinting division is established in the department of public
43 safety and shall:

44 1. Conduct fingerprint background checks for persons and applicants
45 who are seeking licenses from state agencies, employment with licensees,

1 contract providers and state agencies or employment or educational
2 opportunities with agencies that require fingerprint background checks
3 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
4 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 32-2108.01, 32-2123,
5 32-2371, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882,
6 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
7 41-1967.01, 41-1968, ~~AND~~ 41-1969, ~~and~~ SECTION 41-2352, SUBSECTION E,
8 PARAGRAPH 2, SECTION 41-2814, section 46-141, subsection A and section
9 46-321.

10 2. Issue fingerprint clearance cards. On issuance, a fingerprint
11 clearance card becomes the personal property of the cardholder and the
12 cardholder shall retain possession of the fingerprint clearance card.

13 3. On submission of an application for a fingerprint clearance card,
14 collect the fees established by the board of fingerprinting pursuant to
15 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
16 monies collected in the board of fingerprinting fund.

17 4. Inform in writing each person who submits fingerprints for a
18 fingerprint background check of the person's right to petition the board of
19 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
20 41-1758.07.

21 5. Administer and enforce this article.

22 Sec. 3. Repeal

23 Section 41-1758.01, Arizona Revised Statutes, as amended by Laws 2011,
24 chapter 190, section 33, is repealed.

25 Sec. 4. Title 41, Arizona Revised Statutes, is amended by adding
26 chapter 20, to read:

27 CHAPTER 20

28 ARIZONA SPECIAL MISSIONS UNIT

29 ARTICLE 1. GENERAL PROVISIONS

30 41-2351. Arizona special missions unit; mission

31 A. THE ARIZONA SPECIAL MISSIONS UNIT IS ESTABLISHED FOR THE PURPOSE OF
32 SECURING THE SAFETY AND PROTECTION OF THE LIVES AND PROPERTY OF THE CITIZENS
33 OF THIS STATE. THE INTENT OF THE SPECIAL MISSIONS UNIT IS TO PROVIDE A
34 MISSION-READY VOLUNTEER FORCE FOR USE BY THIS STATE IN HOMELAND SECURITY AND
35 COMMUNITY SERVICE ACTIVITIES AS A SUPPLEMENT TO STATE AND LOCAL LAW
36 ENFORCEMENT AGENCIES.

37 B. THE MISSION OF THE ARIZONA SPECIAL MISSIONS UNIT IS:

38 1. TO SUPPORT THIS STATE IN SECURING THE BORDER WITH MEXICO AND
39 SUPPLEMENT THE EFFORTS OF LAW ENFORCEMENT AND STATE AGENCIES, INCLUDING THE
40 PURSUIT, ARREST AND DETENTION OF INDIVIDUALS ENGAGING IN CROSS-BORDER
41 CRIMINAL ACTIVITY. IN THE CASE OF UNILATERAL OPERATIONS ORDERED BY THE
42 GOVERNOR, THE SPECIAL MISSIONS UNIT MAY DETAIN AND ARREST UNTIL A LAW
43 ENFORCEMENT AGENCY TAKES OVER.

44 2. TO SUPPORT COUNTY AND MUNICIPAL LEADERS IN COMBATING INTERNATIONAL
45 CRIMINAL ACTIVITY. A MUNICIPAL CHIEF OF POLICE OR A COUNTY SHERIFF MAY

1 REQUEST THE ACTIVATION OF THE SPECIAL MISSIONS UNIT TO SUPPLEMENT LOCAL LAW
2 ENFORCEMENT ASSETS IN SPECIFICALLY IDENTIFIED CIRCUMSTANCES. THE COMMANDER
3 MAY ENTER INTO AGREEMENTS AND MEMORANDA OF UNDERSTANDING AS NECESSARY TO
4 CLARIFY THE EXTENT AND PROCEDURES OF OPERATION.

5 3. TO RESPOND TO NATURAL AND MANMADE DISASTERS.

6 4. FOR SEARCH AND RESCUE EFFORTS.

7 5. TO SUPPORT COMMUNITY ACTIVITIES.

8 6. FOR OTHER MISSIONS DIRECTED BY THE GOVERNOR.

9 C. THE COMMANDER SHALL ADOPT RULES TO GOVERN ADMINISTRATION AND
10 ORGANIZATION OF THE SPECIAL MISSIONS UNIT. FOR THIS PURPOSE, THE ARIZONA
11 SPECIAL MISSIONS UNIT IS EXEMPT FROM THE PROVISIONS OF CHAPTER 6 OF THIS
12 TITLE, BUT SHALL SUBMIT PROPOSED RULES TO THE GOVERNOR, THE PRESIDENT OF THE
13 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR REVIEW. UNLESS
14 SUPERSEDED BY LEGISLATION ENACTED IN THE NEXT REGULAR SESSION OF THE
15 LEGISLATURE, THE PROPOSED RULE BECOMES EFFECTIVE ON THE FIRST DAY OF THE NEXT
16 MONTH BEGINNING AT LEAST THIRTY DAYS AFTER THE REGULAR SESSION OF THE
17 LEGISLATURE ADJOURNS SINE DIE.

18 41-2352. Commander; personnel; qualifications; recruitment of
19 volunteers

20 A. PURSUANT TO SECTION 38-211, THE GOVERNOR SHALL APPOINT AND
21 COMMISSION A COMMANDER OF THE ARIZONA SPECIAL MISSIONS UNIT BASED ON THE
22 APPLICANT'S BACKGROUND, AGE, EDUCATION, EXPERIENCE AND PERFORMANCE IN LAW
23 ENFORCEMENT OR IN THE ARMED FORCES OF THE UNITED STATES AND THE APPLICANT'S
24 WILLINGNESS TO SERVE.

25 B. THE COMMANDER MAY APPOINT COMMISSIONED OFFICERS, WARRANT OFFICERS
26 AND ENLISTED PERSONNEL AND ORGANIZE AND SHALL MAINTAIN THE SPECIAL MISSIONS
27 UNIT PURSUANT TO THIS CHAPTER. THE COMMANDER SHALL:

28 1. APPOINT KEY COMMAND AND STAFF POSITIONS. THE PERSONNEL COMPLEMENT
29 OF THE SPECIAL MISSIONS UNIT SHALL NOT EXCEED FOUR FULL-TIME EQUIVALENT
30 EMPLOYEES.

31 2. INVESTIGATE AND EVALUATE MEMBERS OF THE SPECIAL MISSIONS UNIT.

32 3. PROMOTE AND ESTABLISH STANDARD OPERATING PROCEDURES, UNIT
33 REGULATIONS AND OTHER ORDERS AND PUBLICATIONS TO MAINTAIN EFFICIENT
34 OPERATIONS FOR MISSION ACCOMPLISHMENT.

35 4. MAINTAIN AND PRESERVE THE INDIVIDUAL, UNIT AND ORGANIZATION RECORDS
36 OF THE SPECIAL MISSIONS UNIT.

37 5. SUBMIT THE FOLLOWING REPORTS TO THE PRESIDENT OF THE SENATE, THE
38 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR:

39 (a) ON JANUARY 1 OF EACH YEAR A REPORT INCLUDING THE CURRENT READINESS
40 OF THE SPECIAL MISSIONS UNIT, CRITICAL FACTORS AFFECTING THE ASSIGNED
41 MISSION, A RECORD OF ALL PROPERTY SEIZED PURSUANT TO SECTION 13-4315,
42 SUBSECTION E, INCLUDING THE MANNER IN WHICH THE SEIZED PROPERTY WAS DISPOSED
43 AND A PROPOSED OPERATING BUDGET FOR THE NEXT FISCAL YEAR.

1 (b) ON REACHING MISSION CAPABILITY STATUS, A MONTHLY READINESS REPORT
2 ON THE CAPABILITY OF THE SPECIAL MISSIONS UNIT TO CONDUCT ITS PRIMARY AND
3 SECONDARY MISSIONS.

4 C. THE COMMANDER SHALL PROVIDE FOR THE RECRUITMENT OF VOLUNTEERS FROM
5 THROUGHOUT THIS STATE.

6 D. A PERSON SHALL NOT BE COMMISSIONED OR ENLISTED IN THE SPECIAL
7 MISSIONS UNIT:

8 1. UNLESS THE PERSON IS A CITIZEN, OR A LEGAL RESIDENT WHO HAS
9 DECLARED THE INTENTION TO BECOME A CITIZEN, OF THE UNITED STATES.

10 2. IF THE PERSON HAS BEEN EXPELLED OR DISHONORABLY DISCHARGED FROM ANY
11 MILITARY OR NAVAL FORCE OF THE UNITED STATES, THIS STATE OR ANOTHER STATE.

12 E. ALL MEMBERS, INCLUDING VOLUNTEERS, OF THE SPECIAL MISSIONS UNIT:

13 1. MUST POSSESS THE FOLLOWING CURRENT DOCUMENTATION:

14 (a) A UNITED STATES PASSPORT.

15 (b) A BIRTH CERTIFICATE.

16 (c) A DRIVER LICENSE ISSUED BY THIS STATE.

17 (d) FOR FORMER MEMBERS OF THE UNIFORMED SERVICES OF THE UNITED STATES,
18 A CERTIFICATE OF RELEASE OR DISCHARGE, DD FORM 214 FOR ACTIVE SERVICE MEMBERS
19 OR NGB FORM 22 FOR NATIONAL GUARD MEMBERS.

20 2. MUST SUBMIT A FULL SET OF FINGERPRINTS TO THE SPECIAL MISSIONS UNIT
21 UNLESS THE PERSON HAS A FULL SET OF FINGERPRINTS ON FILE WITH THE DEPARTMENT
22 OF PUBLIC SAFETY. THE SPECIAL MISSIONS UNIT SHALL SUBMIT THE FINGERPRINTS TO
23 THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND
24 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
25 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA
26 WITH THE FEDERAL BUREAU OF INVESTIGATION.

27 3. ARE SUBJECT TO ORAL AND WRITTEN PSYCHOLOGICAL SCREENING,
28 INTERVIEWS, POLYGRAPH TESTING AND PHYSICAL TESTING, AS PROVIDED BY RULES
29 ADOPTED BY THE COMMANDER, TO ENSURE THE PHYSICAL, PSYCHOLOGICAL, EMOTIONAL
30 AND MENTAL FITNESS OF MEMBERS OF THE SPECIAL MISSIONS UNIT IN THEIR ASSIGNED
31 LEVEL OF RESPONSIBILITY.

32 F. THE COMMANDER SHALL ESTABLISH STANDARDS AND LEVELS OF MANDATORY AND
33 OPTIONAL TRAINING FOR PERSONNEL ASSIGNED TO THE RESPECTIVE FUNCTIONAL
34 PROGRAMS IN THE SPECIAL MISSIONS UNIT, INCLUDING:

35 1. QUALIFICATIONS FOR APPLYING FOR AND ENGAGING IN SPECIALIZED
36 ADVANCED TRAINING PROGRAMS.

37 2. EXTERNAL EVALUATION OF TRAINING PROGRAMS AND OF THE ABILITY OF
38 TRAINED UNITS TO ACCOMPLISH THEIR ASSIGNED MISSIONS.

39 G. AT THE TIME OF COMMISSION OR ENLISTMENT, EACH MEMBER JOINING THE
40 SPECIAL MISSIONS UNIT SHALL TAKE AND SUBSCRIBE THE FOLLOWING OATH, IN
41 ADDITION TO THE OATH REQUIRED BY LAW OF OFFICERS:

42 I DO SOLEMNLY SWEAR THAT I WILL WELL AND FAITHFULLY PERFORM MY
43 DUTIES AS A MEMBER OF THE ARIZONA SPECIAL MISSIONS UNIT TO THE
44 BEST OF MY ABILITY. I WILL BEAR TRUE FAITH AND ALLEGIANCE TO
45 THE UNITED STATES CONSTITUTION, THE ARIZONA CONSTITUTION AND THE

1 LAWS OF THE STATE OF ARIZONA. I WILL SERVE THE STATE OF ARIZONA
2 HONESTLY AND FAITHFULLY AGAINST ALL ENEMIES. I WILL OBEY THE
3 ORDERS OF THE GOVERNOR AND THE OFFICERS PLACED OVER ME,
4 ACCORDING TO LAW, SO HELP ME GOD (OR SO I DO AFFIRM).

5 H. COMMISSION OR ENLISTMENT IN THE SPECIAL MISSIONS UNIT DOES NOT
6 EXEMPT A PERSON FROM SERVICE IN THE UNIFORMED SERVICE OF THE UNITED STATES
7 UNDER FEDERAL LAW.

8 41-2353. Operations

9 THE COMMANDER MAY AUTHORIZE:

10 1. THE COOPERATION AND PARTICIPATION OF THE SPECIAL MISSIONS UNIT WITH
11 STATE OR LOCAL LAW ENFORCEMENT AGENCIES, INCLUDING LAW ENFORCEMENT ACTIVITIES
12 THAT RESULT IN THE SEIZURE OF PROPERTY FOR FORFEITURE UNDER TITLE 13, CHAPTER
13 39 AND ACCEPT AN ALLOCATION OF SUCH FORFEITED PROPERTY UNDER SECTION 13-4315.

14 2. THE CLOSE CONTINUOUS PURSUIT OF ONGOING CROSS-BORDER CRIMINAL
15 ACTIVITY, INCLUDING ENTERING STATE TRUST LAND AND, PURSUANT TO A MEMORANDUM
16 OF UNDERSTANDING, ADJACENT STATES AND FEDERAL LANDS. THE COMMANDER SHALL
17 IMMEDIATELY NOTIFY THE GOVERNOR OF THE ACTION AND CIRCUMSTANCES INVOLVED.

18 41-2354. Discipline and order

19 A. THE COMMANDER OF THE ARIZONA SPECIAL MISSIONS UNIT SHALL ADOPT AND
20 IMPLEMENT HIGH STANDARDS FOR MAINTAINING DISCIPLINE AND ORDER.

21 B. THE UNIFORM CODE OF MILITARY JUSTICE (10 UNITED STATES CODE SECTION
22 801 ET SEQ.) AND THE REGULATIONS ADOPTED UNDER THE UNIFORM CODE AND THE
23 MANUAL FOR COURTS-MARTIAL OF THE UNITED STATES (EXECUTIVE ORDER 12473 OF
24 APRIL 13, 1984) ARE ADOPTED AS GUIDELINES FOR APPLICATION TO THE SPECIAL
25 MISSIONS UNIT WHEN NOT INCONSISTENT WITH STATE LAW.

26 41-2355. Assets and financial support; appropriation

27 A. THE SUM OF ONE MILLION FOUR HUNDRED THOUSAND DOLLARS IS
28 APPROPRIATED FROM THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT
29 MISSION BORDER SECURITY AND LAW ENFORCEMENT SUBACCOUNT ESTABLISHED BY SECTION
30 41-1724 EACH FISCAL YEAR TO THE ARIZONA SPECIAL MISSIONS UNIT FOR ITS
31 TRAINING, OPERATIONS AND MAINTENANCE COSTS. THE LEGISLATURE MAY APPROPRIATE
32 ADDITIONAL AMOUNTS IF NECESSARY. THE SPECIAL MISSIONS UNIT MAY ALSO ACCEPT
33 UNCONDITIONAL GIFTS, GRANTS AND DONATIONS FROM ANY:

34 1. PUBLIC OR PRIVATE SOURCE, INCLUDING FROM STATE AND LOCAL GOVERNMENT
35 ENTITIES, AGENCIES, INSTRUMENTALITIES, POLITICAL SUBDIVISIONS AND BUDGET
36 UNITS.

37 2. NONPROFIT CHARITABLE ORGANIZATIONS AND FOUNDATIONS THAT QUALIFY
38 UNDER SECTION 501(c)(3) OR 501(c)(4) OF THE UNITED STATES INTERNAL REVENUE
39 CODE.

40 B. THE SPECIAL MISSIONS UNIT SHALL SUBMIT AN ANNUAL BUDGET TO THE
41 LEGISLATURE.

42 C. FULL-TIME SPECIAL MISSIONS UNIT PERSONNEL ARE ELIGIBLE FOR
43 COMPENSATION ACCORDING TO THE PAY GRADE AND TABLES ESTABLISHED BY THE
44 COMMANDER. SUBJECT TO APPROPRIATION, OTHER MEMBERS OF THE SPECIAL MISSIONS
45 UNIT SHALL BE COMPENSATED NOT MORE THAN:

1 1. ONE HUNDRED DOLLARS PER DAY OF INITIAL TRAINING, NOT TO EXCEED FIVE
2 DAYS.

3 2. ONE HUNDRED DOLLARS PER DAY OF ANNUAL TRAINING, NOT TO EXCEED FIVE
4 DAYS OF TRAINING EXERCISES PER YEAR.

5 3. ONE HUNDRED DOLLARS FOR NOT MORE THAN ONE DAY OF MONTHLY DRILL.

6 D. WITH THE GOVERNOR'S APPROVAL, THE COMMANDER MAY PURCHASE WORKERS'
7 COMPENSATION INSURANCE FOR MEMBERS OF THE SPECIAL MISSIONS UNIT COVERING AND
8 INSURING MEMBERS AGAINST INJURY WHILE SERVING UNDER COMPETENT ORDERS OF
9 ACTIVATION OR ATTENDING TRAINING. THE ESTATE OF A MEMBER WHO DIES AS A
10 RESULT OF INJURY OR DISABILITY INCURRED WHILE PERFORMING OFFICIAL DUTIES
11 UNDER ORDERS OF ACTIVATION OR TRAINING IS ENTITLED TO A DEATH BENEFIT
12 CALCULATED PURSUANT TO RULES ADOPTED BY THE COMMANDER.

13 E. THE SPECIAL MISSIONS UNIT IS EXEMPT FROM THE REQUIREMENTS OF
14 CHAPTER 23 OF THIS TITLE, RELATING TO STATE PROCUREMENT. FOR THE USE OF THE
15 SPECIAL MISSIONS UNIT, THE GOVERNOR, ADJUTANT GENERAL AND SCHOOL
16 SUPERINTENDENTS MAY MAKE AVAILABLE WHENEVER PRACTICABLE NATIONAL GUARD
17 ARMORIES, EQUIPMENT AND OTHER STATE PREMISES AND PROPERTY ON TERMS PRESCRIBED
18 BY THE COMMANDER.

19 41-2356. Immunities and exemptions while on active duty

20 A. IN ANY CIVIL ACTION, A MEMBER OF THE ARIZONA SPECIAL MISSIONS UNIT
21 IS ENTITLED TO THE SAME IMMUNITY PROTECTION AFFORDED PUBLIC EMPLOYEES AND LAW
22 ENFORCEMENT FOR ACTS THAT OCCUR WITHIN THE SCOPE OF THE MEMBER'S DUTIES IF
23 THOSE ACTS ARE PERFORMED AS A RESULT OF A DIRECT ORDER FROM A COMMANDING
24 OFFICER OR ARE OTHERWISE CONSISTENT WITH CURRENT STANDARD OPERATING
25 PROCEDURES AND PROTOCOLS.

26 B. A MEMBER OF THE SPECIAL MISSIONS UNIT IS NOT LIABLE FOR JURY DUTY
27 WHILE ON ACTIVE DUTY.

28 41-2357. Employment rights while on active duty; violation;
29 classification

30 A. AN EMPLOYER SHALL NOT REFUSE TO PERMIT MEMBERS OF THE ARIZONA
31 SPECIAL MISSIONS UNIT TO TAKE LEAVES OF ABSENCE FROM EMPLOYMENT FOR THE
32 PURPOSE OF COMPLYING WITH COMPETENT ORDERS FOR ACTIVE DUTY, OR TO ATTEND
33 TRAINING, CAMPS, MANEUVERS, FORMATIONS OR DRILLS. THE LEAVES OF ABSENCE
34 SHALL NOT AFFECT VACATION RIGHTS THAT EMPLOYEES OTHERWISE HAVE, EXCEPT THAT
35 AN EMPLOYER NEED NOT CONSIDER THE PERIOD OF ABSENCE AS A PERIOD OF WORK IN
36 DETERMINING ELIGIBILITY FOR VACATION AND THE AMOUNT OF VACATION PAY TO WHICH
37 THE EMPLOYEE IS ENTITLED.

38 B. A MEMBER OF THE SPECIAL MISSIONS UNIT SHALL NOT LOSE SENIORITY OR
39 PRECEDENCE WHILE ABSENT UNDER COMPETENT ORDERS. ON RETURN TO EMPLOYMENT THE
40 EMPLOYEE SHALL BE RETURNED TO THE EMPLOYEE'S PREVIOUS POSITION, OR TO A
41 HIGHER POSITION COMMENSURATE WITH THE EMPLOYEE'S ABILITY AND EXPERIENCE AS
42 SENIORITY OR PRECEDENCE WOULD ORDINARILY ENTITLE THE EMPLOYEE.

43 C. AN OFFICER OR EMPLOYEE OF THIS STATE, OR ANY DEPARTMENT OR
44 POLITICAL SUBDIVISION OF THIS STATE, WHO IS A MEMBER OF THE SPECIAL MISSIONS
45 UNIT, IS ENTITLED TO A LEAVE OF ABSENCE FROM THE INDIVIDUAL'S DUTIES, IN THE

1 SAME MANNER AS PROVIDED BY SECTION 38-610, WITHOUT LOSS OF TIME OR EFFICIENCY
2 RATING ON ALL DAYS DURING WHICH THE INDIVIDUAL IS ENGAGED IN TRAINING
3 PURSUANT TO THIS CHAPTER, AND FOR A PERIOD DURING LEAVE OF ABSENCE NOT TO
4 EXCEED THIRTY DAYS IN ANY TWO CONSECUTIVE YEARS THE INDIVIDUAL IS ENTITLED TO
5 PAY. FOR THE PURPOSES OF THIS SECTION, AN OFFICER OR EMPLOYEE SHALL NOT BE
6 CHARGED WITH LEAVE FOR DAYS ON WHICH THE INDIVIDUAL WAS NOT OTHERWISE
7 SCHEDULED FOR WORK.

8 D. A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION A OR B OF THIS
9 SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR. THE COUNTY ATTORNEY SHALL
10 PROSECUTE VIOLATIONS IN SUPERIOR COURT.

11 Sec. 5. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
12 amended by adding section 41-3022.01, to read:

13 41-3022.01. Arizona special missions unit; termination
14 July 1, 2022

15 A. THE ARIZONA SPECIAL MISSIONS UNIT TERMINATES ON JULY 1, 2022.

16 B. TITLE 41, CHAPTER 20 IS REPEALED ON JANUARY 1, 2023.

17 Sec. 6. Purpose

18 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
19 the legislature establishes the Arizona special missions unit to supplement
20 law enforcement efforts in combating international criminal activity and
21 other law enforcement and community activities as provided by law under the
22 direction of the governor.

23 Sec. 7. Emergency

24 This act is an emergency measure that is necessary to preserve the
25 public peace, health or safety and is operative immediately as provided by
26 law.