

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1433

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING
SECTION 9-500.32; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-500.32, to read:

4 9-500.32. Revocation of peace officer certification; loss of
5 authority to establish and regulate police; law
6 enforcement regulation by county; reimbursement;
7 reinstatement

8 A. A CITY OR TOWN DOES NOT HAVE THE AUTHORITY PRESCRIBED BY THIS TITLE
9 TO ESTABLISH, REGULATE, APPOINT OR REMOVE THE POLICE OF THE CITY OR TOWN AND
10 TO PRESCRIBE THEIR POWERS AND DUTIES IF FIFTY PER CENT OR MORE OF THE CITY'S
11 OR TOWN'S POLICE OFFICERS HAVE HAD THEIR PEACE OFFICER CERTIFICATIONS REVOKED
12 BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD, WHICH IS
13 DETERMINED WHERE THE NUMBER OF POLICE OFFICERS WHOSE CERTIFICATIONS HAVE BEEN
14 REVOKED OVER ANY CONSECUTIVE EIGHT YEAR PERIOD IS THE NUMERATOR AND THE
15 AVERAGE NUMBER OF CERTIFIED POLICE OFFICERS EMPLOYED BY THE CITY OR TOWN AS
16 DETERMINED BY THE CITY OR TOWN POLICE DEPARTMENT'S PEACE OFFICER STANDARDS
17 TRAINING CERTIFICATION RECORDS OVER THE SAME PERIOD OF TIME IS THE
18 DENOMINATOR.

19 B. THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL
20 DETERMINE IF FIFTY PER CENT OR MORE OF A CITY'S OR TOWN'S POLICE OFFICERS
21 CERTIFICATIONS HAVE BEEN REVOKED PURSUANT TO SUBSECTION A OF THIS SECTION AND
22 NOTIFY THE STATE ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL CONFIRM THAT
23 THE REASONS FOR THE REVOCATIONS ARE BASED ON SYSTEMIC ISSUES AND NOT SOLELY
24 ON INDIVIDUAL POLICE OFFICER MISCONDUCT. THE ATTORNEY GENERAL SHALL NOTIFY
25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE CITY OR TOWN IS
26 LOCATED OF THE DETERMINATION. THE ATTORNEY GENERAL SHALL NOTIFY THE CITY OR
27 TOWN AND THE CITY OR TOWN SHALL FORFEIT CONTROL OF THE LAW ENFORCEMENT
28 AUTHORITY OF THE CITY OR TOWN. THE BOARD OF SUPERVISORS SHALL NOTIFY THE
29 COUNTY SHERIFF OF THE DETERMINATION AND THE COUNTY SHERIFF SHALL IMMEDIATELY
30 ASSUME THE LAW ENFORCEMENT FUNCTIONS WITHIN THE CITY OR TOWN.

31 C. WITHIN SIXTY DAYS OF THE BOARD OF SUPERVISOR'S NOTIFICATION TO THE
32 COUNTY SHERIFF, THE CITY OR TOWN SHALL REIMBURSE THE COUNTY SHERIFF FOR ALL
33 REASONABLE COSTS FOR PROVIDING SUCH LAW ENFORCEMENT FUNCTIONS WITHIN THE CITY
34 OR TOWN. THE BOARD OF SUPERVISORS SHALL DETERMINE REASONABLE COSTS BY USING
35 THE AVERAGE OF THE MONIES BUDGETED FOR LAW ENFORCEMENT FUNCTIONS OVER THE
36 THREE PREVIOUS FISCAL YEARS. IF A CITY OR TOWN FAILS TO REIMBURSE THE COUNTY
37 FOR THE COST OF PROVIDING THE LAW ENFORCEMENT FUNCTIONS, ON NOTIFICATION BY
38 THE COUNTY, THE STATE TREASURER SHALL WITHHOLD FROM THE MONIES OTHERWISE
39 PAYABLE TO THE CITY OR TOWN AS PROVIDED BY SECTION 42-5029, SUBSECTION J THE
40 AMOUNT COMPUTED BY THE COUNTY TO PROVIDE THE LAW ENFORCEMENT FUNCTIONS AND
41 TRANSMIT THESE MONIES TO THE COUNTY.

42 D. WITHIN SIX MONTHS AFTER THE COUNTY SHERIFF HAS ASSUMED THE LAW
43 ENFORCEMENT FUNCTIONS WITHIN THE CITY OR TOWN, THE SHERIFF, IN CONSULTATION
44 WITH THE COUNTY BOARD OF SUPERVISORS AND THE CITY OR TOWN, SHALL BEGIN TO
45 PREPARE A WRITTEN REPORT THAT SHALL INCLUDE AT LEAST:

1 1. THE CAUSES OF THE REVOCATIONS OF PEACE OFFICER CERTIFICATIONS.

2 2. A COST ANALYSIS FOR THE ASSUMPTION OF THE LAW ENFORCEMENT FUNCTIONS
3 BY THE CITY OR TOWN.

4 3. A LIST OF TRAINING REQUIREMENTS, POLICIES AND PROCEDURES INTENDED
5 TO REMEDY THE REASONS FOR REVOCATIONS DETERMINED PURSUANT TO SUBSECTION B OF
6 THIS SECTION.

7 E. THE COUNTY SHERIFF SHALL FORWARD A COPY OF THE REPORT TO THE
8 ATTORNEY GENERAL.

9 F. AFTER FIVE YEARS FROM FORFEITING CONTROL OF THE LAW ENFORCEMENT
10 FUNCTIONS, THE CITY OR TOWN MAY MAKE A REQUEST TO THE ATTORNEY GENERAL TO
11 REINSTATE CONTROL OF THE LAW ENFORCEMENT FUNCTIONS TO THE CITY OR TOWN. THE
12 ATTORNEY GENERAL MAY SUBMIT THIS REQUEST TO THE BOARD OF SUPERVISORS FOR
13 THEIR APPROVAL.

14 G. THIS SECTION DOES NOT GIVE A CITY OR TOWN OR A LAW ENFORCEMENT
15 AGENCY ANY LEGAL INTEREST OR STANDING IN AN ARIZONA PEACE OFFICER STANDARDS
16 AND TRAINING BOARD PROCEEDING INVOLVING THE CERTIFICATION OF ANY OF THE LAW
17 ENFORCEMENT AGENCY'S POLICE OFFICERS.

18 Sec. 2. Emergency

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