

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

**CHAPTER 310**  
**SENATE BILL 1240**

AN ACT

AMENDING SECTION 1-215, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; AMENDING SECTIONS 28-8426 AND 40-856, ARIZONA REVISED STATUTES; RELATING TO PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 1-215, Arizona Revised Statutes, is amended to  
3 read:

4 1-215. Definitions

5 In the statutes and laws of this state, unless the context otherwise  
6 requires:

7 1. "Action" includes any matter or proceeding in a court, civil or  
8 criminal.

9 2. "Adopted rule" means a final rule as defined in section 41-1001.

10 3. "Adult" means a person who has attained eighteen years of age.

11 4. "Alternative fuel" means:

12 (a) Electricity.

13 (b) Solar energy.

14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of  
15 hydrogen with liquefied petroleum or natural gas that complies with any of  
16 the following:

17 (i) Is used in an engine that is certified to meet at a minimum the  
18 United States environmental protection agency low emission vehicle standard  
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

20 (ii) Is used in an engine that is certified by the engine modifier to  
21 meet the addendum to memorandum 1-A of the United States environmental  
22 protection agency as printed in the federal register, volume 62, number 207,  
23 October 27, 1997, pages 55635 through 55637.

24 (iii) Is used in an engine that is the subject of a waiver for that  
25 specific engine application from the United States environmental protection  
26 agency's memorandum 1-A addendum requirements and that waiver is documented  
27 to the reasonable satisfaction of the director of the department of  
28 environmental quality.

29 (d) Only for vehicles that use alcohol fuels before August 21, 1998,  
30 alcohol fuels that contain not less than eighty-five per cent alcohol by  
31 volume.

32 (e) A combination of at least seventy per cent alternative fuel and no  
33 more than thirty per cent petroleum based fuel that operates in an engine  
34 that meets the United States environmental protection agency low emission  
35 vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94  
36 or 88.105-94 and that is certified by the engine manufacturer to consume at  
37 least seventy per cent alternative fuel during normal vehicle operations.

38 5. "Bribe" means anything of value or advantage, present or  
39 prospective, asked, offered, given, accepted or promised with a corrupt  
40 intent to influence, unlawfully, the person to whom it is given in that  
41 person's action, vote or opinion, in any public or official capacity.

42 6. "Child" or "children" as used in reference to age of persons means  
43 persons under eighteen years of age.

1           7. "Clean burning fuel" means:

2           (a) An emulsion of water-phased hydrocarbon fuel that contains not  
3 less than twenty per cent water by volume and that complies with any of the  
4 following:

5           (i) Is used in an engine that is certified to meet at a minimum the  
6 United States environmental protection agency low emission vehicle standard  
7 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

8           (ii) Is used in an engine that is certified by the engine modifier to  
9 meet the addendum to memorandum 1-A of the United States environmental  
10 protection agency as printed in the federal register, volume 62, number 207,  
11 October 27, 1997, pages 55635 through 55637.

12           (iii) Is used in an engine that is the subject of a waiver for that  
13 specific engine application from the United States environmental protection  
14 agency's memorandum 1-A addendum requirements and that waiver is documented  
15 to the reasonable satisfaction of the director of the department of  
16 environmental quality.

17           (b) A diesel fuel substitute that is produced from nonpetroleum  
18 renewable resources if the qualifying volume of the nonpetroleum renewable  
19 resources meets the standards for California diesel fuel as adopted by the  
20 California air resources board pursuant to 13 California Code of Regulations  
21 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel  
22 substitute meets the registration requirement for fuels and additives  
23 established by the United States environmental protection agency pursuant to  
24 section 211 of the clean air act as defined in section 49-401.01 and the use  
25 of the diesel fuel substitute complies with the requirements listed in 10  
26 Code of Federal Regulations part 490, as printed in the federal register,  
27 volume 64, number 96, May 19, 1999.

28           (c) A diesel fuel that complies with all of the following:

29           (i) Contains a maximum of fifteen parts per million by weight of  
30 sulfur.

31           (ii) Meets ASTM D975.

32           (iii) Meets the registration requirements for fuels and additives  
33 established by the United States environmental protection agency pursuant to  
34 section 211 of the clean air act as defined in section 49-401.01.

35           (iv) Is used in an engine that is equipped or has been retrofitted  
36 with a device that has been certified by the California air resources board  
37 diesel emission control strategy verification procedure, the United States  
38 environmental protection agency voluntary diesel retrofit program or the  
39 United States environmental protection agency verification protocol for  
40 retrofit catalyst, particulate filter and engine modification control  
41 technologies for highway and nonroad use diesel engines.

42           (d) A blend of unleaded gasoline that contains at minimum eighty-five  
43 per cent ethanol by volume or eighty-five per cent methanol by volume.

44           (e) Neat methanol.

45           (f) Neat ethanol.

1           8. "Corruptly" means a wrongful design to acquire or cause some  
2 pecuniary or other advantage to the person guilty of the act or omission  
3 referred to, or to some other person.

4           9. "Daytime" means the period between sunrise and sunset.

5           10. "Depose" includes every manner of written statement under oath or  
6 affirmation.

7           11. "Federal poverty guidelines" means the poverty guidelines as  
8 updated annually in the federal register by the United States department of  
9 health and human services.

10          12. "Grantee" includes every person to whom an estate or interest in  
11 real property passes, in or by a deed.

12          13. "Grantor" includes every person from or by whom an estate or  
13 interest in real property passes, in or by a deed.

14          14. "Includes" or "including" means not limited to and is not a term  
15 of exclusion.

16          15. "Inhabitant" means a resident of a city, town, village, district,  
17 county or precinct.

18          16. "Issue" as used in connection with descent of estates includes all  
19 lawful, lineal descendants of the ancestor.

20          17. "Knowingly":

21           (a) Means only a knowledge that the facts exist that bring the act or  
22 omission within the provisions of the statute using such word.

23           (b) Does not require any knowledge of the unlawfulness of the act or  
24 omission.

25          18. "Magistrate" means an officer having power to issue a warrant for  
26 the arrest of a person charged with a public offense and includes the chief  
27 justice and justices of the supreme court, judges of the superior court,  
28 judges of the court of appeals, justices of the peace and judges of a  
29 municipal court.

30          19. "Majority" or "age of majority" as used in reference to age of  
31 persons means ~~the age of~~ eighteen years **OF AGE** or more.

32          20. "Malice" and "maliciously" mean a wish to vex, annoy or injure  
33 another person, or an intent to do a wrongful act, established either by  
34 proof or presumption of law.

35          21. "Minor" means a person under the age of eighteen years.

36          22. "Minor children" means persons under the age of eighteen years.

37          23. "Month" means a calendar month unless otherwise expressed.

38          24. "Neglect", "negligence", "negligent" and "negligently" import a  
39 want of such attention to the nature or probable consequence of the act or  
40 omission as a prudent man ordinarily bestows in acting in his own concerns.

41          25. "Nighttime" means the period between sunset and sunrise.

42          26. "Oath" includes an affirmation or declaration.

43          27. "Peace officers" means sheriffs of counties, constables, marshals,  
44 policemen of cities and towns, commissioned personnel of the department of  
45 public safety, personnel who are employed by the state department of  
46 corrections and the department of juvenile corrections and who have received

1 a certificate from the Arizona peace officer standards and training board,  
2 peace officers who are appointed by a multicounty water conservation district  
3 and who have received a certificate from the Arizona peace officer standards  
4 and training board, police officers who are appointed by community college  
5 district governing boards and who have received a certificate from the  
6 Arizona peace officer standards and training board, police officers who are  
7 appointed by the Arizona board of regents and who have received a certificate  
8 from the Arizona peace officer standards and training board, police officers  
9 who are appointed by the governing body of a public airport pursuant to  
10 section 28-8426 and who have received a certificate from the Arizona peace  
11 officer standards and training board, PEACE OFFICERS WHO ARE APPOINTED BY A  
12 PRIVATE POSTSECONDARY INSTITUTION PURSUANT TO SECTION 15-1897 AND WHO HAVE  
13 RECEIVED A CERTIFICATE FROM THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING  
14 BOARD and special agents from the office of the attorney general, or of a  
15 county attorney, and who have received a certificate from the Arizona peace  
16 officer standards and training board.

17 28. "Person" includes a corporation, company, partnership, firm,  
18 association or society, as well as a natural person. When the word "person"  
19 is used to designate the party whose property may be the subject of a  
20 criminal or public offense, the term includes the United States, this state,  
21 or any territory, state or country, or any political subdivision of this  
22 state that may lawfully own any property, or a public or private corporation,  
23 or partnership or association. When the word "person" is used to designate  
24 the violator or offender of any law, it includes corporation, partnership or  
25 any association of persons.

26 29. "Personal property" includes money, goods, chattels, things in  
27 action and evidences of debt.

28 30. "Population" means the population according to the most recent  
29 United States decennial census.

30 31. "Process" means a citation, writ or summons issued in the course  
31 of judicial proceedings.

32 32. "Property" includes both real and personal property.

33 33. "Real property" is coextensive with lands, tenements and  
34 hereditaments.

35 34. "Registered mail" includes certified mail.

36 35. "Seal" as used in reference to a paper issuing from a court or  
37 public office to which the seal of such court or office is required to be  
38 affixed means an impression of the seal on that paper, an impression of the  
39 seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,  
40 a screened seal or a computer generated seal.

41 36. "Signature" or "subscription" includes a mark, if a person cannot  
42 write, with the person's name written near it and witnessed by a person who  
43 writes the person's own name as witness.

44 37. "State", as applied to the different parts of the United States,  
45 includes the District of Columbia, this state and the territories.



1 THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD. THE PRIVATE  
2 POSTSECONDARY INSTITUTION SHALL REIMBURSE THE ARIZONA PEACE OFFICER STANDARDS  
3 AND TRAINING BOARD FOR ALL TRAINING EXPENSES INCURRED BY THE BOARD FOR A  
4 PRIVATE POSTSECONDARY INSTITUTION AND ALL AUDIT EXPENSES INCURRED BY THE  
5 BOARD IN REVIEWING THE PRIVATE POSTSECONDARY INSTITUTION'S COMPLIANCE WITH  
6 PEACE OFFICER AND LAW ENFORCEMENT STANDARDS THAT ARE ESTABLISHED BY THE  
7 BOARD. THE PRIVATE POSTSECONDARY INSTITUTION SHALL FILE THE NAME OF EACH  
8 PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER WITH THE ARIZONA PEACE  
9 OFFICER STANDARDS AND TRAINING BOARD ON THE DATE OF THE PEACE OFFICER'S  
10 APPOINTMENT. IF THE PROPOSED PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER  
11 MEETS AT LEAST THE MINIMUM QUALIFICATIONS ESTABLISHED UNDER SECTION 41-1822,  
12 THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL ISSUE THE  
13 APPOINTEE A CERTIFICATE OF AUTHORITY TO ACT AS A PEACE OFFICER AND MAY  
14 THEREAFTER REVOKE THE CERTIFICATE FOR GOOD CAUSE.

15 C. A PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER WHO IS APPOINTED  
16 PURSUANT TO THIS SECTION IS NOT ELIGIBLE TO PARTICIPATE IN THE PUBLIC SAFETY  
17 PERSONNEL RETIREMENT SYSTEM BASED SOLELY ON THE SERVICE PROVIDED TO A PRIVATE  
18 POSTSECONDARY INSTITUTION. THE PRIVATE POSTSECONDARY INSTITUTION IS NOT  
19 ELIGIBLE TO RECEIVE FUNDS FROM THE PEACE OFFICERS' TRAINING FUND ESTABLISHED  
20 BY SECTION 41-1825. TITLE 38, CHAPTER 8, ARTICLE 1 DOES NOT APPLY TO A  
21 PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER.

22 D. A PRIVATE POSTSECONDARY INSTITUTION THAT APPOINTS A PRIVATE  
23 POSTSECONDARY INSTITUTION PEACE OFFICER IS LIABLE FOR A PRIVATE POSTSECONDARY  
24 INSTITUTION PEACE OFFICER'S ACTS THAT ARE WITHIN THE SCOPE OF THE OFFICER'S  
25 EMPLOYMENT. THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE IS NOT  
26 LIABLE FOR ANY ACT OR FAILURE TO ACT BY ANY PRIVATE POSTSECONDARY INSTITUTION  
27 PEACE OFFICER.

28 E. ALL RECORDS, REPORTS OR OTHER DOCUMENTATION MADE OR RECEIVED BY A  
29 PRIVATE POSTSECONDARY INSTITUTION POLICE DEPARTMENT ARE PUBLIC RECORDS AND  
30 ARE SUBJECT TO THE PROVISIONS OF TITLE 39.

31 Sec. 3. Section 28-8426, Arizona Revised Statutes, is amended to read:  
32 28-8426. Airport police; powers; qualifications

33 A. The governing body of a public airport operating pursuant to  
34 sections 28-8423 and 28-8424 may appoint one or more persons to be designated  
35 by the airport as airport police officers to aid and supplement the law  
36 enforcement agencies of this state in the protection of persons and property.  
37 While engaged in the conduct of this employment, an airport police officer  
38 possesses and shall exercise law enforcement powers of peace officers in this  
39 state.

40 B. A person appointed as an airport police officer under this section  
41 shall have the minimum qualifications established by the Arizona peace  
42 officer standards and training board for peace officers and police officers  
43 pursuant to section 41-1822. The airport shall file with the ~~director of the~~  
44 ~~department of public safety~~ ARIZONA PEACE OFFICER STANDARDS AND TRAINING  
45 BOARD the name of each airport police officer on the date of the police  
46 officer's appointment.

1 C. If the appointee meets the minimum qualifications established by  
2 the Arizona peace officer standards and training board, the ~~director of the~~  
3 ~~department of public safety~~ ARIZONA PEACE OFFICER STANDARDS AND TRAINING  
4 BOARD shall issue the appointee a certificate of authority to act as a peace  
5 officer. The director of the department of public safety may revoke a  
6 certificate for good cause shown.

7 Sec. 4. Section 40-856, Arizona Revised Statutes, is amended to read:  
8 40-856. Railroad police; powers; qualifications; liability of  
9 company

10 A. Any railroad company may appoint one or more persons to be  
11 designated by such railroad company as railroad police to aid and supplement  
12 the law enforcement agencies of this state in the protection of railroad  
13 property and the protection of the persons and property of railroad  
14 passengers and employees. While engaged in the conduct of ~~his~~ THIS  
15 employment, each railroad policeman so appointed shall possess and exercise  
16 all law enforcement powers of peace officers in this state.

17 B. Any person appointed by a railroad company to act as a railroad  
18 policeman under the provision of subsection A of this section shall first  
19 have the minimum qualifications established for peace officers and police  
20 officers pursuant to section 41-1822. The railroad company shall file the  
21 name of each such railroad policeman, on the date of ~~his~~ THE PEACE OFFICER'S  
22 appointment, with the ~~director of the department of public safety~~ ARIZONA  
23 PEACE OFFICER STANDARDS AND TRAINING BOARD. If the proposed railroad  
24 policeman meets the minimum qualifications established under section 41-1822,  
25 the ~~director of the department of public safety~~ ARIZONA PEACE OFFICER  
26 STANDARDS AND TRAINING BOARD shall issue ~~him~~ THE APPOINTEE a certificate of  
27 authority to act as a peace officer and may thereafter revoke such  
28 certificate for good cause shown.

29 C. Each railroad company appointing any railroad police shall be  
30 liable for any and all acts of such railroad police within the scope of their  
31 employment. Neither the state nor any political subdivision shall be liable  
32 for any act or failure to act by any such railroad policeman.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.