

REFERENCE TITLE: anti-racketeering revolving fund; equine care

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1132

Introduced by
Senator Bradley

AN ACT

AMENDING SECTION 13-2314.01, ARIZONA REVISED STATUTES; RELATING TO THE
ANTI-RACKETEERING REVOLVING FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2314.01, Arizona Revised Statutes, is amended to
3 read:

4 13-2314.01. Anti-racketeering revolving fund; use of fund;
5 reports

6 A. The anti-racketeering revolving fund is established. The attorney
7 general shall administer the fund under the conditions and for the purposes
8 provided by this section. Monies in the fund are exempt from the lapsing
9 provisions of section 35-190.

10 B. Any prosecution and investigation costs, including attorney fees,
11 recovered for the state by the attorney general as a result of enforcement of
12 civil and criminal statutes pertaining to any offense included in the
13 definition of racketeering in section 13-2301, subsection D, paragraph 4 or
14 section 13-2312, whether by final judgment, settlement or otherwise, shall be
15 deposited in the fund established by this section.

16 C. Any monies received by any department or agency of this state or
17 any political subdivision of this state from any department or agency of the
18 United States or another state as a result of participation in any
19 investigation or prosecution, whether by final judgment, settlement or
20 otherwise, shall be deposited in the fund established by this section or, if
21 the recipient is a political subdivision of this state, may be deposited in
22 the fund established by section 13-2314.03.

23 D. Any monies obtained as a result of a forfeiture by any department
24 or agency of this state under this title or under federal law shall be
25 deposited in the fund established by this section. Any monies or other
26 property obtained as a result of a forfeiture by any political subdivision of
27 this state or the federal government may be deposited in the fund established
28 by this section. Monies deposited in the fund pursuant to this section or
29 section 13-4315 shall accrue interest and shall be held for the benefit of
30 the agency or agencies responsible for the seizure or forfeiture to the
31 extent of their contribution. Except as provided in subsections F and G of
32 this section, the monies and interest shall be distributed within thirty days
33 of application to the agency or agencies responsible for the seizure or
34 forfeiture. Monies in the fund used by the attorney general for capital
35 projects in excess of one million dollars are subject to review by the joint
36 committee on capital review.

37 E. Monies in the fund may be used for the following:

38 1. The funding of gang prevention programs, substance abuse prevention
39 programs, substance abuse education programs, programs that provide
40 assistance to victims of a criminal offense that is listed in section 13-2301
41 and witness protection pursuant to section 41-196 or for any purpose
42 permitted by federal law relating to the disposition of any property that is
43 transferred to a law enforcement agency.

1 2. The investigation and prosecution of any offense included in the
2 definition of racketeering in section 13-2301, subsection D, paragraph 4 or
3 section 13-2312, including civil enforcement.

4 3. The payment of the relocation expenses of any law enforcement
5 officer and the officer's immediate family if the law enforcement officer is
6 the victim of a bona fide threat that occurred because of the law enforcement
7 officer's duties.

8 4. THE FUNDING OF EQUINE CARE, FEEDING, HANDLING AND TRANSPORTATION
9 FOR EQUINES THAT HAVE BEEN INVOLVED IN SMUGGLING AND THAT ARE IN THE CARE OF
10 THE ARIZONA DEPARTMENT OF AGRICULTURE OR A NONPROFIT ANIMAL RESCUE
11 ORGANIZATION IN THIS STATE.

12 F. On or before January 15, April 15, July 15 and October 15 of each
13 year, each department or agency of this state receiving monies pursuant to
14 this section or section 13-2314.03 or 13-4315 or from any department or
15 agency of the United States or another state as a result of participation in
16 any investigation or prosecution shall file with the attorney general a
17 report for the previous calendar quarter. The report shall be in a form that
18 is prescribed by the Arizona criminal justice commission and approved by the
19 director of the joint legislative budget committee. The report shall set
20 forth the sources of all monies and all expenditures. The report shall not
21 include any identifying information about specific investigations. If a
22 department or agency of this state fails to file a report within forty-five
23 days after the report is due and there is no good cause as determined by the
24 Arizona criminal justice commission, the attorney general shall make no
25 expenditures from the fund for the benefit of the department or agency until
26 the report is filed. The attorney general is responsible for collecting all
27 reports from departments and agencies of this state and transmitting the
28 reports to the Arizona criminal justice commission at the time that the
29 report required pursuant to subsection G of this section is submitted.

30 G. On or before January 25, April 25, July 25 and October 25 of each
31 year, the attorney general shall file with the Arizona criminal justice
32 commission a report for the previous calendar quarter. The report shall be
33 in a form that is prescribed by the Arizona criminal justice commission and
34 approved by the director of the joint legislative budget committee. The
35 report shall set forth the sources of all monies and all expenditures. The
36 report shall not include any identifying information about specific
37 investigations. If the attorney general fails to file a report within sixty
38 days after the report is due and there is no good cause as determined by the
39 Arizona criminal justice commission, the attorney general shall make no
40 expenditures from the fund for the benefit of the attorney general until the
41 report is filed. If a political subdivision of this state fails to file a
42 report with the county attorney pursuant to section 13-2314.03 within
43 forty-five days after the report is due and there is no good cause as
44 determined by the Arizona criminal justice commission, the attorney general

1 shall make no expenditures from the fund for the benefit of the political
2 subdivision until the report is filed.

3 H. On or before September 30 of each year, the Arizona criminal
4 justice commission shall compile the attorney general report and the reports
5 of all departments and agencies of this state into a single comprehensive
6 report and shall submit a copy of the report to the governor, the director of
7 the department of administration, the president of the senate, the speaker of
8 the house of representatives, the director of the joint legislative budget
9 committee and the secretary of state.