



HOUSE OF REPRESENTATIVES

HB 2288

constables; duties; training; discipline

Prime Sponsor: Representative Bowers, LD 25

DPA Committee on Military Affairs and Public Safety

DPA Caucus and COW

X House Engrossed

OVERVIEW

HB 2288 makes changes to statute relating to constables and the Constable Ethics Standards and Training Board (Board).

PROVISIONS

1. Requires constables, within their counties, to serve and return all criminal summonses and subpoenas directed or delivered to them by a Justice of the Peace of the county, or by a competent authority.
2. Expands the Board's ability to remedy inappropriate behavior by suspending a constable with or without pay.
3. Requires the board of supervisors to withhold a constable's salary during the time that the constable is suspended without pay.
4. Specifies that a county board of supervisors must not withhold a constable's pay, if the constable is suspended without pay, for more than 30 consecutive days for each incident of inappropriate behavior.
5. Allows the Board to subpoena constables relating to any investigation or hearing.
6. Removes the requirement that the Board submit a report to the county attorney, if the Board is not satisfied with statutory remedies for inappropriate behavior by a constable.
7. Requires the Board to refer a criminal investigation and their findings to the appropriate county attorney's office, if the Board determines that a constable has committed a criminal act.
8. Specifies that the Board must adjudicate a complaint if the county attorney determines that a crime has not been committed.
9. Allows a constable to seek judicial review of a final order suspending the constable and the review must be conducted and commenced in accordance with statute.
10. Provides that a prosecuting agency is not precluded from filing charges against a constable.
11. Defines *constable*.
12. Makes technical and conforming changes.

CURRENT LAW

Constables are required to attend the courts of justices of the peace, within their respective precincts and counties, by serving, executing and returning all processes, warrants and notices

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directed to them by a justice of the peace or by a competent authority. Statute also outlines training requirements and salaries for constables (A.R.S. § 22-131). Constable training and administrative matters are overseen by the Board. Statute prescribes a variety of remedies that the Board may use to address inappropriate behavior by a constable. These remedies include mediating, issuing warnings or reprimands, instructing constables to take educational classes and urging a constable to retire. If the Board is not satisfied with the statutory remedies for misconduct, they must submit a report to the county attorney. The Board is also allowed to take and hear evidence, administer oaths and affirmations and subpoena witnesses and production of various records (A.R.S. § 22-131).