



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2288

constables; duties; training; discipline

Purpose

Modifies the process and manner in which a constable may be disciplined by the Constable Ethics Standards and Training Board.

Background

In Arizona, a constable is an officer of the county justice court whose primary duty is to execute actions on behalf of the court such as: conducting evictions; serving and returning processes, warrants, notices, orders of protection, summons and subpoenas; seizing, storing or selling property to satisfy a judgement; and providing security for the court. Although constables are certified by the Arizona Peace Officers Standards and Training Board, their authority as a peace officer is limited to the performance of their official duties and therefore generally do not perform traditional law enforcement duties such as conducting criminal investigations.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Constable Ethics Standards and Training Board***

1. Allows the board to suspend a constable without pay for up to 30 days for each incident of inappropriate behavior and compel by subpoena the attendance of constables as witnesses in relation to any investigation or hearing.
2. Allows constables to seek a judicial review of a final order for suspension.
3. Requires the board to refer an investigation to the County Attorney and submit its findings if determined that a constable has committed a criminal act and to adjudicate a complaint using allowable remedies for disciplining a constable if the County Attorney determines that a crime was not committed or does not file a criminal complaint.
4. Removes language allowing the board to submit a report to the County Attorney if the board is not satisfied with the allowable remedies for disciplining a constable.
5. Specifies that the section outlining the board's disciplinary process does not preclude a prosecuting agency from filing charges against a constable.

6. Requires the Board of Supervisors to withhold a constable's pay while he is suspended without pay.

*General*

7. Clarifies that constables must serve and return all criminal summonses and subpoenas issued to them by a Justice of the Peace or another competent authority within their county.
8. Adds to the definition of *constable*, a deputy constable who is appointed, employed or authorized by the County Board of Supervisors.
9. Makes technical and conforming changes.
10. Becomes effective on the general effective date.

Prepared by Senate Research

March 14, 2016

AV/lr