

PROPOSITION 311
[SCR 1006 - 2023]

death benefit; assault; first responders.

ANALYSIS BY LEGISLATIVE COUNCIL

Legislative Council Staff Draft

1 Proposition 311 would establish a new state death benefit of \$250,000 to the surviving
2 spouse or children of a first responder who is killed in the line of duty as the result of another
3 person's criminal act. Proposition 311 would establish a \$20 penalty fee on every criminal
4 conviction to provide funding for the new state death benefit. The new state death benefit and
5 penalty fee would begin on July 1, 2025. The state death benefit and penalty fee would be repealed
6 on January 1, 2033.

7 Beginning on July 1, 2025, the state treasurer would be required to pay the \$250,000 benefit
8 to the surviving spouse of a first responder who is killed in the line of duty within 30 days after
9 being notified of the death by the first responder's employer. If the first responder does not have
10 a surviving spouse, the death benefit would be divided equally among the first responder's children.
11 The state supplemental benefit fund would be established for the penalty fees and administered by
12 the state treasurer. If the monies in the fund exceed \$2,000,000, the Legislature would be allowed
13 to appropriate those excess monies for peace officer training, equipment and other benefits,
14 including assistance to first responders who are seriously injured in the line of duty and the first
15 responder's family. A first responder for purposes of the new state death benefit would be a peace
16 officer, firefighter, fire marshal, fire inspector, emergency medical care technician, paramedic,
17 tribal police officer, national guard member who is on state active duty in Arizona, and correctional
18 officer who is employed by the Arizona Department of Corrections.

19 Proposition 311 also would increase criminal punishment for committing an aggravated
20 assault against peace officers and would add other first responders as possible victims of this crime.
21 A first responder, for purposes of the increased punishment, would be a peace officer, firefighter,
22 fire marshal, fire inspector, emergency medical care technician or paramedic who is engaged in
23 the execution of any official duties. First responders would also include tribal police officers. If
24 the person knows or has reason to know that the victim of an aggravated assault is a first responder
25 or a person summoned and directed by the first responder, the classification of the crime would
26 increase from a class 5 felony to a class 4 felony. If the aggravated assault results in any physical
27 injury to the first responder, the classification of the crime would increase from a class 4 felony to
28 a class 3 felony. The increased criminal punishment would be repealed on January 1, 2033.