

Senate Engrossed

death benefit; assault; first responders.

FILED
ADRIAN FONTES
SECRETARY OF STATE

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE CONCURRENT RESOLUTION 1006

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO FIRST RESPONDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to first responders, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.12; REPEALING SECTION 12-116.12, ARIZONA REVISED STATUTES; AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 3 OF THIS RESOLUTION; AMENDING TITLE 38, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; REPEALING TITLE 38, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES; RELATING TO FIRST RESPONDERS.

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

Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 12-116.12, to read:

12-116.12. Penalty fee; first responder's supplemental death benefit

A. BEGINNING FROM AND AFTER JUNE 30, 2025, IN ADDITION TO ANY OTHER PENALTY, FINE, FEE, SURCHARGE OR ASSESSMENT AUTHORIZED BY LAW, A PERSON SHALL PAY A PENALTY FEE OF \$20 ON EVERY CONVICTION FOR A CRIMINAL OFFENSE.

B. THE COURT SHALL TRANSMIT THE PENALTY FEE COLLECTED PURSUANT TO THIS SECTION TO THE COUNTY TREASURER, EXCEPT THAT MUNICIPAL COURTS SHALL TRANSMIT THE PENALTY FEE TO THE CITY OR TOWN TREASURER.

C. THE CITY, TOWN OR COUNTY TREASURER SHALL TRANSMIT THE PENALTY FEES TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE PENALTY FEES, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE SUPPLEMENTAL BENEFIT FUND ESTABLISHED BY SECTION 38-1173.

D. THE COURT MAY NOT WAIVE OR MITIGATE THE PENALTY FEE.

Sec. 2. Delayed repeal

Section 12-116.12, Arizona Revised Statutes, as added by this act, is repealed from and after December 31, 2032.

Sec. 3. Section 13-1204, Arizona Revised Statutes, is amended to read:

13-1204. Aggravated assault; classification; definitions

A. UNTIL JANUARY 1, 2033, a person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances:

1 1. If the person causes serious physical injury to
2 another.

3 2. If the person uses a deadly weapon or dangerous
4 instrument.

5 3. If the person commits the assault by any means of
6 force that causes temporary but substantial disfigurement,
7 temporary but substantial loss or impairment of any body
8 organ or part or a fracture of any body part.

9 4. If the person commits the assault while the victim
10 is bound or otherwise physically restrained or while the
11 victim's capacity to resist is substantially impaired.

12 5. If the person commits the assault after entering
13 the private home of another with the intent to commit the
14 assault.

15 6. If the person is eighteen years of age or older and
16 commits the assault on a minor under fifteen years of age.

17 7. If the person commits assault as prescribed by
18 section 13-1203, subsection A, paragraph 1 or 3 and the
19 person is in violation of an order of protection issued
20 against the person pursuant to section 13-3602 or 13-3624.

21 8. If the person commits the assault knowing or having
22 reason to know that the victim is any of the following:

23 (a) A ~~peace officer~~ FIRST RESPONDER or a person
24 summoned and directed by the ~~officer~~ FIRST RESPONDER.

25 (b) A constable or a person summoned and directed by
26 the constable while engaged in the execution of any official
27 duties or if the assault results from the execution of the
28 constable's official duties.

29 ~~(c) A firefighter, fire investigator, fire inspector,~~
30 ~~emergency medical technician or paramedic engaged in the~~
31 ~~execution of any official duties or a person summoned and~~
32 ~~directed by such individual while engaged in the execution of~~
33 ~~any official duties or if the assault results from the~~
34 ~~execution of the official duties of the firefighter, fire~~
35 ~~investigator, fire inspector, emergency medical technician or~~
36 ~~paramedic.~~

37 ~~(d)~~ (c) A teacher or other person employed by any
38 school and the teacher or other employee is on the grounds of
39 a school or grounds adjacent to the school or is in any part
40 of a building or vehicle used for school purposes, any
41 teacher or school nurse visiting a private home in the course
42 of the teacher's or nurse's professional duties or any
43 teacher engaged in any authorized and organized classroom
44 activity held on other than school grounds.

1 ~~(e)~~ (d) A health care worker while engaged in the
2 health care worker's work duties or a health care
3 practitioner who is certified or licensed pursuant to title
4 32, chapter 13, 14, 15, 17 or 25, or a person summoned and
5 directed by the licensed health care practitioner while
6 engaged in the person's professional duties. This
7 subdivision does not apply if the person who commits the
8 assault does not have the ability to form the culpable mental
9 state because of a mental disability or because the person is
10 seriously mentally ill, as defined in section 36-550.

11 ~~(f)~~ (e) A prosecutor while engaged in the execution
12 of any official duties or if the assault results from the
13 execution of the prosecutor's official duties.

14 ~~(g)~~ (f) A code enforcement officer as defined in
15 section 39-123 while engaged in the execution of any official
16 duties or if the assault results from the execution of the
17 code enforcement officer's official duties.

18 ~~(h)~~ (g) A state or municipal park ranger while
19 engaged in the execution of any official duties or if the
20 assault results from the execution of the park ranger's
21 official duties.

22 ~~(i)~~ (h) A public defender while engaged in the
23 execution of any official duties or if the assault results
24 from the execution of the public defender's official duties.

25 ~~(j)~~ (i) A judicial officer while engaged in the
26 execution of any official duties or if the assault results
27 from the execution of the judicial officer's official duties.

28 9. If the person knowingly takes or attempts to
29 exercise control over any of the following:

30 (a) A ~~peace officer's~~ FIRST RESPONDER'S or other
31 officer's firearm and the person knows or has reason to know
32 that the victim is a ~~peace officer~~ FIRST RESPONDER or other
33 officer employed by one of the agencies listed in paragraph
34 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of
35 this subsection.

36 (b) Any weapon other than a firearm that is being used
37 by a ~~peace officer~~ FIRST RESPONDER or other officer or that
38 the FIRST RESPONDER OR OTHER officer is attempting to use,
39 and the person knows or has reason to know that the victim is
40 a ~~peace officer~~ FIRST RESPONDER or other officer employed by
41 one of the agencies listed in paragraph 10, subdivision (a),
42 item (i), (ii), (iii), (iv) or (v) of this subsection.

43 (c) Any implement that is being used by a ~~peace~~
44 ~~officer~~ FIRST RESPONDER or other officer or that the FIRST
45 RESPONDER OR OTHER officer is attempting to use, and the

1 person knows or has reason to know that the victim is a ~~peace~~
2 ~~officer~~ FIRST RESPONDER or other officer employed by one of
3 the agencies listed in paragraph 10, subdivision (a), item
4 (i), (ii), (iii), (iv) or (v) of this subsection. For the
5 purposes of this subdivision, "implement" means an object
6 that is designed for or that is capable of restraining or
7 injuring an individual. Implement does not include
8 handcuffs.

9 10. If the person meets both of the following
10 conditions:

11 (a) Is imprisoned or otherwise subject to the custody
12 of any of the following:

13 (i) The state department of corrections.

14 (ii) The department of juvenile corrections.

15 (iii) A law enforcement agency.

16 (iv) A county or city jail or an adult or juvenile
17 detention facility of a city or county.

18 (v) Any other entity that is contracting with the
19 state department of corrections, the department of juvenile
20 corrections, a law enforcement agency, another state, any
21 private correctional facility, a county, a city or the
22 federal bureau of prisons or other federal agency that has
23 responsibility for sentenced or unsentenced prisoners.

24 (b) Commits an assault knowing or having reason to
25 know that the victim is acting in an official capacity as an
26 employee of any of the entities listed in subdivision (a) of
27 this paragraph.

28 11. If the person uses a simulated deadly weapon.

29 B. UNTIL JANUARY 1, 2033, a person commits aggravated
30 assault if the person commits assault by either
31 intentionally, knowingly or recklessly causing any physical
32 injury to another person, intentionally placing another
33 person in reasonable apprehension of imminent physical injury
34 or knowingly touching another person with the intent to
35 injure the person, and both of the following occur:

36 1. The person intentionally or knowingly impedes the
37 normal breathing or circulation of blood of another person by
38 applying pressure to the throat or neck or by obstructing the
39 nose and mouth either manually or through the use of an
40 instrument.

41 2. Any of the circumstances exists that are set forth
42 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5
43 or 6.

44 C. A person who is convicted of intentionally or
45 knowingly committing aggravated assault on a ~~peace officer~~

1 FIRST RESPONDER pursuant to subsection A, paragraph 1 or 2 of
2 this section shall be sentenced to imprisonment for not less
3 than the presumptive sentence authorized under chapter 7 of
4 this title and is not eligible for suspension of sentence,
5 commutation or release on any basis until the sentence
6 imposed is served.

7 D. It is not a defense to a prosecution for assaulting
8 a peace officer or a mitigating circumstance that the peace
9 officer was not on duty or engaged in the execution of any
10 official duties.

11 E. Except pursuant to subsections F and G of this
12 section, aggravated assault pursuant to subsection A,
13 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph
14 11 of this section is a class 3 felony except if the
15 aggravated assault is a violation of subsection A, paragraph
16 1 or 2 of this section and the victim is under fifteen years
17 of age it is a class 2 felony punishable pursuant to section
18 13-705. Aggravated assault pursuant to subsection A,
19 paragraph 3 or subsection B of this section is a class 4
20 felony. Aggravated assault pursuant to subsection A,
21 paragraph 9, subdivision (b) or paragraph 10 of this section
22 is a class 5 felony. Aggravated assault pursuant to
23 subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9,
24 subdivision (c) of this section is a class 6 felony.

25 F. Aggravated assault pursuant to subsection A,
26 paragraph 1 or 2 of this section committed on a ~~peace officer~~
27 FIRST RESPONDER is a class 2 felony. Aggravated assault
28 pursuant to subsection A, paragraph 3 of this section
29 committed on a ~~peace officer~~ FIRST RESPONDER is a class 3
30 felony. Aggravated assault pursuant to subsection A,
31 paragraph 8, subdivision (a) of this section committed on a
32 ~~peace officer~~ FIRST RESPONDER is a class ~~5~~ 4 felony unless
33 the assault results in any physical injury to the ~~peace~~
34 ~~officer~~ FIRST RESPONDER, in which case it is a class ~~4~~ 3
35 felony.

36 G. Aggravated assault pursuant to:

37 1. Subsection A, paragraph 1 or 2 of this section is a
38 class 2 felony if committed on a prosecutor.

39 2. Subsection A, paragraph 3 of this section is a
40 class 3 felony if committed on a prosecutor.

41 3. Subsection A, paragraph 8, subdivision ~~(f)~~ (e) of
42 this section is a class 5 felony if the assault results in
43 physical injury to a prosecutor.

H. For the purposes of this section:

1. "FIRST RESPONDER" MEANS:

(a) A PEACE OFFICER.

(b) A FIREFIGHTER, A FIRE MARSHAL, A FIRE INSPECTOR, AN EMERGENCY MEDICAL CARE TECHNICIAN OR A PARAMEDIC WHO IS ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES.

(c) A TRIBAL POLICE OFFICER.

~~1.~~ 2. "Health care worker" means:

(a) A person who is employed by or contracted to work at a health care institution that is licensed pursuant to title 36.

(b) A person who is employed or contracted to provide health care or related services in a fieldwork setting, including:

(i) Home health care, home-based hospice and home-based social work, unless the worker is employed or contracted by an individual who privately employs, in the individual's residence, the worker to perform covered services for the individual or a family member of the individual.

(ii) Any emergency services and transport, including the services provided by firefighters and emergency responders.

~~2.~~ 3. "Judicial officer" means a justice of the supreme court, judge, justice of the peace or magistrate or a commissioner or hearing officer of a state, county or municipal court.

~~3.~~ 4. "Mental disability" means a disabling neurological condition, or brain injury, or involuntary impairment as a result of a medication that is administered by a health care provider or a medical procedure that is performed at a health care treatment site.

~~4.~~ 5. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

Sec. 4. Section 13-1204, Arizona Revised Statutes, as amended by section 3 of this resolution, is amended to read:

13-1204. Aggravated assault; classification; definitions

A. BEGINNING FROM AND AFTER DECEMBER 31, 2032, a person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances:

1 1. If the person causes serious physical injury to
2 another.

3 2. If the person uses a deadly weapon or dangerous
4 instrument.

5 3. If the person commits the assault by any means of
6 force that causes temporary but substantial disfigurement,
7 temporary but substantial loss or impairment of any body organ
8 or part or a fracture of any body part.

9 4. If the person commits the assault while the victim
10 is bound or otherwise physically restrained or while the
11 victim's capacity to resist is substantially impaired.

12 5. If the person commits the assault after entering the
13 private home of another with the intent to commit the assault.

14 6. If the person is eighteen years of age or older and
15 commits the assault on a minor under fifteen years of age.

16 7. If the person commits assault as prescribed by
17 section 13-1203, subsection A, paragraph 1 or 3 and the person
18 is in violation of an order of protection issued against the
19 person pursuant to section 13-3602 or 13-3624.

20 8. If the person commits the assault knowing or having
21 reason to know that the victim is any of the following:

22 (a) A ~~first responder~~ PEACE OFFICER or a person
23 summoned and directed by the ~~first responder~~ OFFICER.

24 (b) A constable or a person summoned and directed by
25 the constable while engaged in the execution of any official
26 duties or if the assault results from the execution of the
27 constable's official duties.

28 (c) A FIREFIGHTER, FIRE INVESTIGATOR, FIRE INSPECTOR,
29 EMERGENCY MEDICAL TECHNICIAN OR PARAMEDIC ENGAGED IN THE
30 EXECUTION OF ANY OFFICIAL DUTIES OR A PERSON SUMMONED AND
31 DIRECTED BY SUCH INDIVIDUAL WHILE ENGAGED IN THE EXECUTION OF
32 ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS FROM THE
33 EXECUTION OF THE OFFICIAL DUTIES OF THE FIREFIGHTER, FIRE
34 INVESTIGATOR, FIRE INSPECTOR, EMERGENCY MEDICAL TECHNICIAN OR
35 PARAMEDIC.

36 (d) A teacher or other person employed by any
37 school and the teacher or other employee is on the grounds of
38 a school or grounds adjacent to the school or is in any part
39 of a building or vehicle used for school purposes, any teacher
40 or school nurse visiting a private home in the course of the
41 teacher's or nurse's professional duties or any teacher
42 engaged in any authorized and organized classroom activity
43 held on other than school grounds.

44 (e) A health care worker while engaged in the
45 health care worker's work duties or a health care practitioner

1 who is certified or licensed pursuant to title 32, chapter 13,
2 14, 15, 17 or 25, or a person summoned and directed by the
3 licensed health care practitioner while engaged in the
4 person's professional duties. This subdivision does not apply
5 if the person who commits the assault does not have the
6 ability to form the culpable mental state because of a mental
7 disability or because the person is seriously mentally ill, as
8 defined in section 36-550.

9 ~~(e)~~ (f) A prosecutor while engaged in the execution of
10 any official duties or if the assault results from the
11 execution of the prosecutor's official duties.

12 ~~(f)~~ (g) A code enforcement officer as defined in
13 section 39-123 while engaged in the execution of any official
14 duties or if the assault results from the execution of the
15 code enforcement officer's official duties.

16 ~~(g)~~ (h) A state or municipal park ranger while engaged
17 in the execution of any official duties or if the assault
18 results from the execution of the park ranger's official
19 duties.

20 ~~(h)~~ (i) A public defender while engaged in the
21 execution of any official duties or if the assault results
22 from the execution of the public defender's official duties.

23 ~~(i)~~ (j) A judicial officer while engaged in the
24 execution of any official duties or if the assault results
25 from the execution of the judicial officer's official duties.

26 9. If the person knowingly takes or attempts to
27 exercise control over any of the following:

28 (a) A ~~first responder's~~ PEACE OFFICER'S or other
29 officer's firearm and the person knows or has reason to know
30 that the victim is a ~~first responder~~ PEACE OFFICER or other
31 officer employed by one of the agencies listed in paragraph
32 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of
33 this subsection.

34 (b) Any weapon other than a firearm that is being used
35 by a ~~first responder~~ PEACE OFFICER or other officer or that
36 the ~~first responder or other~~ officer is attempting to use, and
37 the person knows or has reason to know that the victim is a
38 ~~first responder~~ PEACE OFFICER or other officer employed by one
39 of the agencies listed in paragraph 10, subdivision (a), item
40 (i), (ii), (iii), (iv) or (v) of this subsection.

41 (c) Any implement that is being used by a ~~first~~
42 ~~responder~~ PEACE OFFICER or other officer or that the ~~first~~
43 ~~responder or other~~ officer is attempting to use, and the
44 person knows or has reason to know that the victim is a ~~first~~
45 ~~responder~~ PEACE OFFICER or other officer employed by one of

1 the agencies listed in paragraph 10, subdivision (a), item
2 (i), (ii), (iii), (iv) or (v) of this subsection. For the
3 purposes of this subdivision, "implement" means an object that
4 is designed for or that is capable of restraining or injuring
5 an individual. Implement does not include handcuffs.

6 10. If the person meets both of the following
7 conditions:

8 (a) Is imprisoned or otherwise subject to the custody
9 of any of the following:

10 (i) The state department of corrections.

11 (ii) The department of juvenile corrections.

12 (iii) A law enforcement agency.

13 (iv) A county or city jail or an adult or juvenile
14 detention facility of a city or county.

15 (v) Any other entity that is contracting with the state
16 department of corrections, the department of juvenile
17 corrections, a law enforcement agency, another state, any
18 private correctional facility, a county, a city or the federal
19 bureau of prisons or other federal agency that has
20 responsibility for sentenced or unsentenced prisoners.

21 (b) Commits an assault knowing or having reason to know
22 that the victim is acting in an official capacity as an
23 employee of any of the entities listed in subdivision (a) of
24 this paragraph.

25 11. If the person uses a simulated deadly weapon.

26 B. BEGINNING FROM AND AFTER DECEMBER 31, 2032, a person
27 commits aggravated assault if the person commits assault by
28 either intentionally, knowingly or recklessly causing any
29 physical injury to another person, intentionally placing
30 another person in reasonable apprehension of imminent physical
31 injury or knowingly touching another person with the intent to
32 injure the person, and both of the following occur:

33 1. The person intentionally or knowingly impedes the
34 normal breathing or circulation of blood of another person by
35 applying pressure to the throat or neck or by obstructing the
36 nose and mouth either manually or through the use of an
37 instrument.

38 2. Any of the circumstances exists that are set forth
39 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5
40 or 6.

41 C. A person who is convicted of intentionally or
42 knowingly committing aggravated assault on a ~~first responder~~
43 PEACE OFFICER pursuant to subsection A, paragraph 1 or 2 of
44 this section shall be sentenced to imprisonment for not less
45 than the presumptive sentence authorized under chapter 7 of

1 this title and is not eligible for suspension of sentence,
2 commutation or release on any basis until the sentence imposed
3 is served.

4 D. It is not a defense to a prosecution for assaulting
5 a peace officer or a mitigating circumstance that the peace
6 officer was not on duty or engaged in the execution of any
7 official duties.

8 E. Except pursuant to subsections F and G of this
9 section, aggravated assault pursuant to subsection A,
10 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11
11 of this section is a class 3 felony except if the aggravated
12 assault is a violation of subsection A, paragraph 1 or 2 of
13 this section and the victim is under fifteen years of age it
14 is a class 2 felony punishable pursuant to section 13-705.
15 Aggravated assault pursuant to subsection A, paragraph 3 or
16 subsection B of this section is a class 4 felony. Aggravated
17 assault pursuant to subsection A, paragraph 9, subdivision (b)
18 or paragraph 10 of this section is a class 5 felony.
19 Aggravated assault pursuant to subsection A, paragraph 4, 5,
20 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a
21 class 6 felony.

22 F. Aggravated assault pursuant to subsection A,
23 paragraph 1 or 2 of this section committed on a ~~first~~
24 ~~responder~~ PEACE OFFICER is a class 2 felony. Aggravated
25 assault pursuant to subsection A, paragraph 3 of this section
26 committed on a ~~first responder~~ PEACE OFFICER is a class 3
27 felony. Aggravated assault pursuant to subsection A,
28 paragraph 8, subdivision (a) of this section committed on a
29 ~~first responder~~ PEACE OFFICER is a class ~~4~~ 5 felony unless
30 the assault results in any physical injury to the ~~first~~
31 ~~responder~~ PEACE OFFICER, in which case it is a class ~~3~~ 4
32 felony.

33 G. Aggravated assault pursuant to:

34 1. Subsection A, paragraph 1 or 2 of this section is a
35 class 2 felony if committed on a prosecutor.

36 2. Subsection A, paragraph 3 of this section is a class
37 3 felony if committed on a prosecutor.

38 3. Subsection A, paragraph 8, subdivision ~~(e)~~ (f) of
39 this section is a class 5 felony if the assault results in
40 physical injury to a prosecutor.

41 H. For the purposes of this section:

42 ~~1. "First responder" means:~~

43 ~~(a) A peace officer.~~

1 ~~(b) a firefighter, a fire marshal, a fire inspector, an~~
2 ~~emergency medical care technician or a paramedic who is~~
3 ~~engaged in the execution of any official duties.~~

4 ~~2.~~ 1. "Health care worker" means:

5 (a) A person who is employed by or contracted to work
6 at a health care institution that is licensed pursuant to
7 title 36.

8 (b) A person who is employed or contracted to provide
9 health care or related services in a fieldwork setting,
10 including:

11 (i) Home health care, home-based hospice and home-based
12 social work, unless the worker is employed or contracted by an
13 individual who privately employs, in the individual's
14 residence, the worker to perform covered services for the
15 individual or a family member of the individual.

16 (ii) Any emergency services and transport, including
17 the services provided by firefighters and emergency
18 responders.

19 ~~3.~~ 2. "Judicial officer" means a justice of the
20 supreme court, judge, justice of the peace or magistrate or a
21 commissioner or hearing officer of a state, county or
22 municipal court.

23 ~~4.~~ 3. "Mental disability" means a disabling
24 neurological condition, or brain injury, or involuntary
25 impairment as a result of a medication that is administered by
26 a health care provider or a medical procedure that is
27 performed at a health care treatment site.

28 ~~5.~~ 4. "Prosecutor" means a county attorney, a
29 municipal prosecutor or the attorney general and includes an
30 assistant or deputy county attorney, municipal prosecutor or
31 attorney general.

32 Sec. 5. Title 38, chapter 8, Arizona Revised Statutes,
33 is amended by adding article 4, to read:

34 ARTICLE 4. FIRST RESPONDERS

35 38-1171. Definitions

36 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

37 1. "FIRST RESPONDER":

38 (a) HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1204.

39 (b) INCLUDES A MEMBER OF THE ARIZONA NATIONAL GUARD WHO
40 IS ON STATE ACTIVE DUTY IN THIS STATE AND A CORRECTIONAL
41 OFFICER WHO IS EMPLOYED BY THE STATE DEPARTMENT OF
42 CORRECTIONS.

43 2. "KILLED IN THE LINE OF DUTY" MEANS KILLED AS THE
44 RESULT OF ANOTHER PERSON'S CRIMINAL ACT WHILE IN THE
45 PERFORMANCE OF THE FIRST RESPONDER'S OFFICIAL DUTIES.

1 38-1172. State death benefit

2 IN ADDITION TO ANY OTHER DEATH BENEFIT, BEGINNING FROM
3 AND AFTER JUNE 30, 2025, IF A FIRST RESPONDER IS KILLED IN THE
4 LINE OF DUTY, ON WRITTEN NOTICE TO THE STATE TREASURER FROM
5 THE FIRST RESPONDER'S EMPLOYER THIS STATE SHALL PAY A STATE
6 DEATH BENEFIT OF \$250,000 TO THE FIRST RESPONDER'S SURVIVING
7 SPOUSE. IF THE FIRST RESPONDER DOES NOT HAVE A SURVIVING
8 SPOUSE BUT HAS CHILDREN, THIS STATE SHALL PAY A STATE DEATH
9 BENEFIT OF \$250,000, DIVIDED EQUALLY AMONG THE FIRST
10 RESPONDER'S CHILDREN. THE STATE SHALL PAY THE DEATH BENEFIT
11 WITHIN THIRTY DAYS AFTER RECEIVING THE WRITTEN NOTICE FROM THE
12 FIRST RESPONDER'S EMPLOYER.

13 38-1173. State supplemental benefit fund

14 THE STATE SUPPLEMENTAL BENEFIT FUND IS ESTABLISHED
15 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 12-116.12
16 AND MONIES APPROPRIATED BY THE LEGISLATURE. THE STATE
17 TREASURER SHALL ADMINISTER THE FUND FOR THE PURPOSES SPECIFIED
18 IN SECTION 38-1172. MONIES IN THE FUND ARE CONTINUOUSLY
19 APPROPRIATED. IF AT ANY TIME THE MONIES IN THE FUND EXCEED
20 \$2,000,000 THE LEGISLATURE MAY APPROPRIATE THOSE EXCESS MONIES
21 FOR PEACE OFFICER TRAINING, EQUIPMENT AND OTHER BENEFITS,
22 INCLUDING ASSISTANCE TO FIRST RESPONDERS WHO ARE SERIOUSLY
23 INJURED IN THE LINE OF DUTY AND THE FIRST RESPONDER'S FAMILY.

24 Sec. 6. Delayed repeal

25 Title 38, chapter 8, article 4, Arizona Revised
26 Statutes, as added by this act, is repealed from and after
27 December 31, 2032.

28 Sec. 7. Finding; intent; purpose

29 A. The people of this state find and declare that:

30 1. Arizona's first responders are on the front lines
31 for public safety and the peaceful enjoyment of this state's
32 civil society.

33 2. First responders nationally and in this state have
34 increasingly become targets for criminal assault, causing
35 their injury and death. This has resulted in both heightened
36 early retirements of first responders and difficulty in
37 recruiting new first responders.

38 B. The intent of this act is to increase the criminal
39 penalties against persons who assault first responders in this
40 state and to increase the death benefits for the families of
41 first responders who are killed in the line of duty in this
42 state.

43 C. The purpose of this act is:

44 1. To stem the violence against first responders in
45 this state.

1 2. To help retain and recruit first responders in this
2 state by better providing for the families of first responders
3 who are killed in the line of duty in this state.

4 Sec. 8. Severability

5 If a provision of this act or its application to any
6 person or circumstance is held invalid, the invalidity does
7 not affect other provisions or application of the act that can
8 be given effect without the invalid provision or application,
9 and to this end the provisions of this act are severable.

10 Sec. 9. Short title

11 This act may be cited as the "Back the Blue Act".

12 2. The Secretary of State shall submit this proposition to the
13 voters at the next general election as provided by article IV, part 1,
14 section 1, Constitution of Arizona.

PASSED BY THE HOUSE MARCH 7, 2023.

PASSED BY THE SENATE FEBRUARY 28, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 9, 2023.