

COMMITTEE ON APPROPRIATIONS
SENATE AMENDMENTS TO S.B. 1083
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-4315, Arizona Revised Statutes, is amended to
3 read:

4 13-4315. Allocation of forfeited property

5 A. Any property, including all interests in property, forfeited to the
6 state under this title shall be transferred as requested by the attorney for
7 the state to the seizing agency or to the agency or political subdivision
8 employing the attorney for the state, which may do any of the following:

9 1. Sell, lease, lend or transfer the property to any local or state
10 government entity or agency or political subdivision, law enforcement agency
11 or prosecutorial agency or any federal law enforcement agency which operates
12 within this state for official federal, state or political subdivision use
13 within this state, with expenses for keeping and transferring such property
14 to be paid by the recipient. Property may not be allocated for official use
15 if the fair market value of the property substantially exceeds the agency's
16 probable cost of purchasing other property equally suited for the intended
17 official use. Property that is allocated for official use may not be
18 assigned for use by any person who supervised or exercised discretion in its
19 forfeiture unless the use is approved in writing by the head of the agency.

20 2. Sell forfeited property by public or otherwise commercially
21 reasonable sale with expenses of keeping and selling the property and the
22 amount of all valid interests established by claimants paid out of the
23 proceeds of the sale with the balance paid into the anti-racketeering fund of
24 the state or of the county in which the political subdivision seizing the
25 property or prosecuting the action is located. A sale of forfeited property
26 may not be made to any employee of the seizing agency, any person who
27 participated in the forfeiture, any employee of a contractor selling the
28 property on behalf of the seizing agency or any member of the immediate
29 family of any of these employees or persons.

1 3. Destroy or use for investigative purposes any illegal or controlled
2 substances or other contraband at any time more than twenty days after
3 seizure, on written approval of the attorney for the state, preserving only
4 such material as may be necessary for evidence.

5 4. Sell, use or destroy all raw materials, products and equipment of
6 any kind used or intended for use in manufacturing, compounding or processing
7 a controlled substance.

8 5. Compromise and pay claims against property forfeited pursuant to
9 any provision of this section.

10 6. Make any other disposition of forfeited property authorized by law
11 for the disposition of property of the state, government entity, agency or
12 political subdivision.

13 B. Notwithstanding subsection A of this section or any other provision
14 of law to the contrary:

15 1. If the property forfeited is money, and a law enforcement agency
16 can specifically identify monies as being from its investigative funds or as
17 being exchanged for property from its investigative property, the monies
18 shall be remitted to the investigative fund. If there are additional
19 forfeited monies or monies tendered on satisfaction by an interest holder
20 which cannot be specifically identified, the court shall order the monies
21 returned to each law enforcement agency that makes a showing of costs or
22 expenses which it incurred in connection with the investigation and
23 prosecution of the matter and shall order all excess monies remaining after
24 such returns deposited in the anti-racketeering fund of this state or of the
25 county in which the political subdivision seizing the monies or prosecuting
26 the action is located, established pursuant to section 13-2314.01 or
27 13-2314.03.

28 2. If the property declared forfeited is an interest in a vehicle, the
29 court shall order it forfeited to the local, state or other law enforcement
30 agency seizing the vehicle for forfeiture or to the seizing agency.

31 C. Monies in any anti-racketeering fund established pursuant to this
32 title may be used, in addition to any other lawful use, for:

33 1. The payment of any expenses necessary to seize, detain, appraise,
34 inventory, protect, maintain, preserve the availability of, advertise or sell
35 property that is subject to forfeiture and that is seized, detained or
36 forfeited pursuant to this title or of any other necessary expenses incident
37 to the seizure, detention, preservation or forfeiture of the property. The

1 payments may include payments for contract services and payments to reimburse
2 any federal, state or local agency for any expenditures made to perform the
3 functions of the seizing agency.

4 2. The payment of awards for information or assistance leading to a
5 civil or criminal proceeding under this title.

6 3. The payment of compensation from forfeited property to injured
7 persons as provided in section 13-4311, subsection N, paragraph 3.

8 D. Each attorney for the state shall submit a copy of each forfeiture
9 judgment, including each order of forfeiture, to the Arizona criminal justice
10 commission within sixty days after the forfeiture judgment becomes final or
11 after the conclusion of appellate review, if any.

12 E. NOTWITHSTANDING ANY OTHER LAW, FOR THE PURPOSES OF THIS SECTION,
13 THE ARIZONA SPECIAL MISSIONS UNIT IS CONSIDERED A SEIZING AGENCY IN CASES IN
14 WHICH THE SPECIAL MISSIONS UNIT PARTICIPATES AND COOPERATES WITH STATE OR
15 LOCAL LAW ENFORCEMENT AGENCIES IN ACTIVITIES THAT RESULT IN A SEIZURE OF
16 PROPERTY FOR FORFEITURE UNDER THIS CHAPTER.

17 Sec. 2. Section 41-1758.01, Arizona Revised Statutes, as amended by
18 Laws 2011, chapter 113, section 4, chapter 177, section 3 and chapter 203,
19 section 4, is amended to read:

20 41-1758.01. Fingerprinting division; duties

21 The fingerprinting division is established in the department of public
22 safety and shall:

23 1. Conduct fingerprint background checks for persons and applicants
24 who are seeking licenses from state agencies, employment with licensees,
25 contract providers and state agencies or employment or educational
26 opportunities with agencies that require fingerprint background checks
27 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
28 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 32-2108.01, 32-2123,
29 32-2371, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882,
30 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
31 41-1967.01, 41-1968, ~~AND~~ 41-1969, ~~and~~ SECTION 41-2352, SUBSECTION E,
32 PARAGRAPH 2, SECTION 41-2814, section 46-141, subsection A and section
33 46-321.

34 2. Issue fingerprint clearance cards. On issuance, a fingerprint
35 clearance card becomes the personal property of the cardholder and the
36 cardholder shall retain possession of the fingerprint clearance card.

1 3. On submission of an application for a fingerprint clearance card,
 2 collect the fees established by the board of fingerprinting pursuant to
 3 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
 4 monies collected in the board of fingerprinting fund.

5 4. Inform in writing each person who submits fingerprints for a
 6 fingerprint background check of the person's right to petition the board of
 7 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
 8 41-1758.07.

9 5. Administer and enforce this article.

10 Sec. 3. Repeal

11 Section 41-1758.01, Arizona Revised Statutes, as amended by Laws 2011,
 12 chapter 190, section 33, is repealed.

13 Sec. 4. Title 41, Arizona Revised Statutes, is amended by adding
 14 chapter 20, to read:

15 CHAPTER 20

16 ARIZONA SPECIAL MISSIONS UNIT

17 ARTICLE 1. GENERAL PROVISIONS

18 41-2351. Arizona special missions unit; mission

19 A. THE ARIZONA SPECIAL MISSIONS UNIT IS ESTABLISHED FOR THE PURPOSE OF
 20 SECURING THE SAFETY AND PROTECTION OF THE LIVES AND PROPERTY OF THE CITIZENS
 21 OF THIS STATE. THE INTENT OF THE SPECIAL MISSIONS UNIT IS TO PROVIDE A
 22 MISSION-READY VOLUNTEER FORCE FOR USE BY THIS STATE IN HOMELAND SECURITY AND
 23 COMMUNITY SERVICE ACTIVITIES AS A SUPPLEMENT TO STATE AND LOCAL LAW
 24 ENFORCEMENT AGENCIES.

25 B. THE MISSION OF THE ARIZONA SPECIAL MISSIONS UNIT IS:

26 1. TO SUPPORT THIS STATE IN SECURING THE BORDER WITH MEXICO AND
 27 SUPPLEMENT THE EFFORTS OF LAW ENFORCEMENT AND STATE AGENCIES, INCLUDING THE
 28 PURSUIT, ARREST AND DETENTION OF INDIVIDUALS ENGAGING IN CROSS-BORDER
 29 CRIMINAL ACTIVITY. IN THE CASE OF UNILATERAL OPERATIONS ORDERED BY THE
 30 GOVERNOR, THE SPECIAL MISSIONS UNIT MAY DETAIN AND ARREST UNTIL A LAW
 31 ENFORCEMENT AGENCY TAKES OVER.

32 2. TO SUPPORT COUNTY AND MUNICIPAL LEADERS IN COMBATING INTERNATIONAL
 33 CRIMINAL ACTIVITY. A MUNICIPAL CHIEF OF POLICE OR A COUNTY SHERIFF MAY
 34 REQUEST THE ACTIVATION OF THE SPECIAL MISSIONS UNIT TO SUPPLEMENT LOCAL LAW
 35 ENFORCEMENT ASSETS IN SPECIFICALLY IDENTIFIED CIRCUMSTANCES. THE COMMANDER
 36 MAY ENTER INTO AGREEMENTS AND MEMORANDA OF UNDERSTANDING AS NECESSARY TO
 37 CLARIFY THE EXTENT AND PROCEDURES OF OPERATION.

- 1 3. TO RESPOND TO NATURAL AND MANMADE DISASTERS.
- 2 4. FOR SEARCH AND RESCUE EFFORTS.
- 3 5. TO SUPPORT COMMUNITY ACTIVITIES.
- 4 6. FOR OTHER MISSIONS DIRECTED BY THE GOVERNOR.

5 C. THE COMMANDER SHALL ADOPT RULES TO GOVERN ADMINISTRATION AND
6 ORGANIZATION OF THE SPECIAL MISSIONS UNIT. FOR THIS PURPOSE, THE ARIZONA
7 SPECIAL MISSIONS UNIT IS EXEMPT FROM THE PROVISIONS OF CHAPTER 6 OF THIS
8 TITLE, BUT SHALL SUBMIT PROPOSED RULES TO THE GOVERNOR, THE PRESIDENT OF THE
9 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR REVIEW. UNLESS
10 SUPERSEDED BY LEGISLATION ENACTED IN THE NEXT REGULAR SESSION OF THE
11 LEGISLATURE, THE PROPOSED RULE BECOMES EFFECTIVE ON THE FIRST DAY OF THE NEXT
12 MONTH BEGINNING AT LEAST THIRTY DAYS AFTER THE REGULAR SESSION OF THE
13 LEGISLATURE ADJOURNS SINE DIE.

14 41-2352. Commander; personnel; qualifications; recruitment of
15 volunteers

16 A. PURSUANT TO SECTION 38-211, THE GOVERNOR SHALL APPOINT AND
17 COMMISSION A COMMANDER OF THE ARIZONA SPECIAL MISSIONS UNIT BASED ON THE
18 APPLICANT'S BACKGROUND, AGE, EXPERIENCE, EDUCATION, EXPERIENCE AND
19 PERFORMANCE IN LAW ENFORCEMENT OR IN THE ARMED FORCES OF THE UNITED STATES
20 AND THE APPLICANT'S WILLINGNESS TO SERVE.

21 B. THE COMMANDER MAY APPOINT COMMISSIONED OFFICERS, WARRANT OFFICERS
22 AND ENLISTED PERSONNEL AND ORGANIZE AND SHALL MAINTAIN THE SPECIAL MISSIONS
23 UNIT PURSUANT TO THIS CHAPTER. THE COMMANDER SHALL:

24 1. APPOINT KEY COMMAND AND STAFF POSITIONS. THE PERSONNEL COMPLEMENT
25 OF THE SPECIAL MISSIONS UNIT SHALL NOT EXCEED FOUR FULL-TIME EQUIVALENT
26 EMPLOYEES.

27 2. INVESTIGATE AND EVALUATE MEMBERS OF THE SPECIAL MISSIONS UNIT.

28 3. PROMOTE AND ESTABLISH STANDARD OPERATING PROCEDURES, UNIT
29 REGULATIONS AND OTHER ORDERS AND PUBLICATIONS TO MAINTAIN EFFICIENT
30 OPERATIONS FOR MISSION ACCOMPLISHMENT.

31 4. MAINTAIN AND PRESERVE THE INDIVIDUAL, UNIT AND ORGANIZATION RECORDS
32 OF THE SPECIAL MISSIONS UNIT.

33 5. SUBMIT THE FOLLOWING REPORTS TO THE PRESIDENT OF THE SENATE, THE
34 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR:

35 (a) ON JANUARY 1 OF EACH YEAR A REPORT INCLUDING THE CURRENT READINESS
36 OF THE SPECIAL MISSIONS UNIT, CRITICAL FACTORS AFFECTING THE ASSIGNED MISSION
37 AND A PROPOSED OPERATING BUDGET FOR THE NEXT FISCAL YEAR.

1 (b) ON REACHING MISSION CAPABILITY STATUS, A MONTHLY READINESS REPORT
2 ON THE CAPABILITY OF THE SPECIAL MISSIONS UNIT TO CONDUCT ITS PRIMARY AND
3 SECONDARY MISSIONS.

4 C. THE COMMANDER SHALL PROVIDE FOR THE RECRUITMENT OF VOLUNTEERS FROM
5 THROUGHOUT THIS STATE.

6 D. A PERSON SHALL NOT BE COMMISSIONED OR ENLISTED IN THE SPECIAL
7 MISSIONS UNIT:

8 1. UNLESS THE PERSON IS A CITIZEN, OR A LEGAL RESIDENT WHO HAS
9 DECLARED THE INTENTION TO BECOME A CITIZEN, OF THE UNITED STATES.

10 2. IF THE PERSON HAS BEEN EXPELLED OR DISHONORABLY DISCHARGED FROM ANY
11 MILITARY OR NAVAL FORCE OF THE UNITED STATES, THIS STATE OR ANOTHER STATE.

12 E. ALL MEMBERS, INCLUDING VOLUNTEERS, OF THE SPECIAL MISSIONS UNIT:

13 1. MUST POSSESS THE FOLLOWING CURRENT DOCUMENTATION:

14 (a) A UNITED STATES PASSPORT.

15 (b) A BIRTH CERTIFICATE.

16 (c) A DRIVER LICENSE ISSUED BY THIS STATE.

17 (d) FOR FORMER MEMBERS OF THE UNIFORMED SERVICES OF THE UNITED STATES,
18 A CERTIFICATE OF RELEASE OR DISCHARGE, DD FORM 214 FOR ACTIVE SERVICE MEMBERS
19 OR NGB FORM 22 FOR NATIONAL GUARD MEMBERS.

20 2. MUST SUBMIT A FULL SET OF FINGERPRINTS TO THE SPECIAL MISSIONS UNIT
21 UNLESS THE PERSON HAS A FULL SET OF FINGERPRINTS ON FILE WITH THE DEPARTMENT
22 OF PUBLIC SAFETY. THE SPECIAL MISSIONS UNIT SHALL SUBMIT THE FINGERPRINTS TO
23 THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND
24 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
25 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA
26 WITH THE FEDERAL BUREAU OF INVESTIGATION.

27 3. ARE SUBJECT TO ORAL AND WRITTEN PSYCHOLOGICAL SCREENING,
28 INTERVIEWS, POLYGRAPH TESTING AND PHYSICAL TESTING, AS PROVIDED BY RULES
29 ADOPTED BY THE COMMANDER, TO ENSURE THE PHYSICAL, PSYCHOLOGICAL, EMOTIONAL
30 AND MENTAL FITNESS OF MEMBERS OF THE SPECIAL MISSIONS UNIT IN THEIR ASSIGNED
31 LEVEL OF RESPONSIBILITY.

32 F. THE COMMANDER SHALL ESTABLISH STANDARDS AND LEVELS OF MANDATORY AND
33 OPTIONAL TRAINING FOR PERSONNEL ASSIGNED TO THE RESPECTIVE FUNCTIONAL
34 PROGRAMS IN THE SPECIAL MISSIONS UNIT, INCLUDING:

35 1. QUALIFICATIONS FOR APPLYING FOR AND ENGAGING IN SPECIALIZED
36 ADVANCED TRAINING PROGRAMS.

1 2. EXTERNAL EVALUATION OF TRAINING PROGRAMS AND OF THE ABILITY OF
2 TRAINED UNITS TO ACCOMPLISH THEIR ASSIGNED MISSIONS.

3 G. AT THE TIME OF COMMISSION OR ENLISTMENT, EACH MEMBER JOINING THE
4 SPECIAL MISSIONS UNIT SHALL TAKE AND SUBSCRIBE THE FOLLOWING OATH, IN
5 ADDITION TO THE OATH REQUIRED BY LAW OF OFFICERS:

6 I DO SOLEMNLY SWEAR THAT I WILL WELL AND FAITHFULLY PERFORM MY
7 DUTIES AS A MEMBER OF THE ARIZONA SPECIAL MISSIONS UNIT TO THE
8 BEST OF MY ABILITY. I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE
9 UNITED STATES CONSTITUTION, THE ARIZONA CONSTITUTION AND THE LAWS
10 OF THE STATE OF ARIZONA. I WILL SERVE THE STATE OF ARIZONA
11 HONESTLY AND FAITHFULLY AGAINST ALL ENEMIES. I WILL OBEY THE
12 ORDERS OF THE GOVERNOR AND THE OFFICERS PLACED OVER ME, ACCORDING
13 TO LAW, SO HELP ME GOD (OR SO I DO AFFIRM).

14 H. COMMISSION OR ENLISTMENT IN THE SPECIAL MISSIONS UNIT DOES NOT
15 EXEMPT A PERSON FROM SERVICE IN THE UNIFORMED SERVICE OF THE UNITED STATES
16 UNDER FEDERAL LAW.

17 41-2353. Operations

18 THE COMMANDER MAY AUTHORIZE:

19 1. THE COOPERATION AND PARTICIPATION OF THE SPECIAL MISSIONS UNIT WITH
20 STATE OR LOCAL LAW ENFORCEMENT AGENCIES, INCLUDING LAW ENFORCEMENT ACTIVITIES
21 THAT RESULT IN THE SEIZURE OF PROPERTY FOR FORFEITURE UNDER TITLE 13, CHAPTER
22 39 AND ACCEPT AN ALLOCATION OF SUCH FORFEITED PROPERTY UNDER SECTION 13-4315.

23 2. THE CLOSE CONTINUOUS PURSUIT OF ONGOING CROSS-BORDER CRIMINAL
24 ACTIVITY, INCLUDING ENTERING FEDERAL LANDS, STATE TRUST LAND AND, PURSUANT TO
25 A MEMORANDUM OF UNDERSTANDING, ADJACENT STATES. THE COMMANDER SHALL
26 IMMEDIATELY NOTIFY THE GOVERNOR OF THE ACTION AND CIRCUMSTANCES INVOLVED.

27 41-2354. Discipline and order

28 A. THE COMMANDER OF THE ARIZONA SPECIAL MISSIONS UNIT SHALL ADOPT AND
29 IMPLEMENT HIGH STANDARDS FOR MAINTAINING DISCIPLINE AND ORDER.

30 B. THE UNIFORM CODE OF MILITARY JUSTICE (10 UNITED STATES CODE SECTION
31 801 ET SEQ.) AND THE REGULATIONS ADOPTED UNDER THE UNIFORM CODE AND THE
32 MANUAL FOR COURTS-MARTIAL OF THE UNITED STATES (EXECUTIVE ORDER 12473 OF
33 APRIL 13, 1984) ARE ADOPTED AS GUIDELINES FOR APPLICATION TO THE SPECIAL
34 MISSIONS UNIT WHEN NOT INCONSISTENT WITH STATE LAW.

35 41-2355. Assets and financial support; appropriation

36 A. THE SUM OF ONE MILLION FOUR HUNDRED THOUSAND DOLLARS IS
37 APPROPRIATED FROM THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT

1 MISSION BORDER SECURITY AND LAW ENFORCEMENT SUBACCOUNT ESTABLISHED BY SECTION
2 41-1724 EACH FISCAL YEAR TO THE ARIZONA SPECIAL MISSIONS UNIT FOR ITS
3 TRAINING, OPERATIONS AND MAINTENANCE COSTS. THE LEGISLATURE MAY APPROPRIATE
4 ADDITIONAL AMOUNTS IF NECESSARY. THE SPECIAL MISSIONS UNIT MAY ALSO ACCEPT
5 UNCONDITIONAL GIFTS, GRANTS AND DONATIONS FROM ANY:

6 1. PUBLIC OR PRIVATE SOURCE, INCLUDING FROM STATE AND LOCAL GOVERNMENT
7 ENTITIES, AGENCIES, INSTRUMENTALITIES, POLITICAL SUBDIVISIONS AND BUDGET
8 UNITS.

9 2. NONPROFIT CHARITABLE ORGANIZATIONS AND FOUNDATIONS THAT QUALIFY
10 UNDER SECTION 501(c)(3) OR 501(c)(4) OF THE UNITED STATES INTERNAL REVENUE
11 CODE.

12 B. THE SPECIAL MISSIONS UNIT SHALL SUBMIT AN ANNUAL BUDGET TO THE
13 LEGISLATURE.

14 C. FULL-TIME SPECIAL MISSIONS UNIT PERSONNEL ARE ELIGIBLE FOR
15 COMPENSATION ACCORDING TO THE PAY GRADE AND TABLES ESTABLISHED BY THE
16 COMMANDER. SUBJECT TO APPROPRIATION, OTHER MEMBERS OF THE SPECIAL MISSIONS
17 UNIT SHALL BE COMPENSATED NOT MORE THAN:

18 1. ONE HUNDRED DOLLARS PER DAY OF INITIAL TRAINING, NOT TO EXCEED FIVE
19 DAYS.

20 2. ONE HUNDRED DOLLARS PER DAY OF ANNUAL TRAINING, NOT TO EXCEED FIVE
21 DAYS OF TRAINING EXERCISES PER YEAR.

22 3. ONE HUNDRED DOLLARS FOR NOT MORE THAN ONE DAY OF MONTHLY DRILL.

23 D. WITH THE GOVERNOR'S APPROVAL, THE COMMANDER MAY PURCHASE WORKERS'
24 COMPENSATION INSURANCE FOR MEMBERS OF THE SPECIAL MISSIONS UNIT COVERING AND
25 INSURING MEMBERS AGAINST INJURY WHILE SERVING UNDER COMPETENT ORDERS OF
26 ACTIVATION OR ATTENDING TRAINING. THE ESTATE OF A MEMBER WHO DIES AS A
27 RESULT OF INJURY OR DISABILITY INCURRED WHILE PERFORMING OFFICIAL DUTIES
28 UNDER ORDERS OF ACTIVATION OR TRAINING IS ENTITLED TO A DEATH BENEFIT
29 CALCULATED PURSUANT TO RULES ADOPTED BY THE COMMANDER.

30 E. THE SPECIAL MISSIONS UNIT IS EXEMPT FROM THE REQUIREMENTS OF
31 CHAPTER 23 OF THIS TITLE, RELATING TO STATE PROCUREMENT. FOR THE USE OF THE
32 SPECIAL MISSIONS UNIT, THE GOVERNOR, ADJUTANT GENERAL AND SCHOOL
33 SUPERINTENDENTS MAY MAKE AVAILABLE WHENEVER PRACTICABLE NATIONAL GUARD
34 ARMORIES, EQUIPMENT AND OTHER STATE PREMISES AND PROPERTY ON TERMS PRESCRIBED
35 BY THE COMMANDER.

