

REFERENCE TITLE: protective orders; schools; appropriations

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

## **SB 1519**

Introduced by  
Senators Smith: Yarbrough (with permission of Committee on Rules)

### AN ACT

AMENDING SECTIONS 8-202 AND 8-208, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; AMENDING SECTIONS 13-2703 AND 13-3101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-118; AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-153 AND 15-153.01; AMENDING SECTIONS 15-154, 15-341, 15-503 AND 36-519, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2907.14; AMENDING SECTIONS 41-1711, 41-1715, 41-1750 AND 41-1822, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to  
3 read:  
4 8-202. Jurisdiction of juvenile court  
5 A. The juvenile court has original jurisdiction over all  
6 delinquency proceedings brought under the authority of this title.  
7 B. The juvenile court has exclusive original jurisdiction over all  
8 proceedings:  
9 1. Brought under the authority of this title except for delinquency  
10 proceedings.  
11 2. IN WHICH THE SUBJECT OF A PETITION FOR A SEVERE THREAT ORDER OF  
12 PROTECTION IS UNDER EIGHTEEN YEARS OF AGE.  
13 C. The juvenile court may consolidate any matter, except that the  
14 juvenile court shall not consolidate any of the following:  
15 1. A criminal proceeding that is filed in another division of  
16 superior court and that involves a child who is subject to the  
17 jurisdiction of the juvenile court.  
18 2. A delinquency proceeding with any other proceeding that does not  
19 involve delinquency, unless the juvenile delinquency adjudication  
20 proceeding is not heard at the same time or in the same hearing as a  
21 nondelinquency proceeding.  
22 D. The juvenile court has jurisdiction of proceedings to:  
23 1. Obtain judicial consent to the marriage, employment or  
24 enlistment in the armed services of a child, if consent is required by  
25 law.  
26 2. In an action in which parental rights are terminated pursuant to  
27 chapter 4, article 5 or 11 of this title, change the name of a minor child  
28 who is the subject of the action. If the minor child who is the subject  
29 of the action is twelve years of age or older, the court shall consider  
30 the wishes of the child with respect to the name change.  
31 E. The juvenile court has jurisdiction over both civil traffic  
32 violations and offenses listed in section 8-323, subsection B that are  
33 committed within the county by persons who are under eighteen years of age  
34 unless the presiding judge of the county declines jurisdiction of these  
35 cases. The presiding judge of the county may decline jurisdiction of  
36 civil traffic violations committed within the county by juveniles if the  
37 presiding judge finds that the declination would promote the more  
38 efficient use of limited judicial and law enforcement resources located  
39 within the county. If the presiding judge declines jurisdiction, juvenile  
40 civil traffic violations shall be processed, heard and disposed of in the  
41 same manner and with the same penalties as adult civil traffic violations.  
42 F. The orders of the juvenile court under the authority of this  
43 chapter or chapter 3 or 4 of this title take precedence over any order of  
44 any other court of this state except the court of appeals and the supreme

1 court to the extent that they are inconsistent with orders of other  
2 courts.

3 G. Except as otherwise provided by law, jurisdiction of a child  
4 that is obtained by the juvenile court in a proceeding under this chapter  
5 or chapter 3 or 4 of this title shall be retained by it, for the purposes  
6 of implementing the orders made and filed in that proceeding, until the  
7 child becomes eighteen years of age, unless terminated by order of the  
8 court before the child's eighteenth birthday.

9 H. Persons who are under eighteen years of age shall be prosecuted  
10 in the same manner as adults if either:

11 1. The juvenile court transfers jurisdiction pursuant to section  
12 8-327.

13 2. The juvenile is charged as an adult with an offense listed in  
14 section 13-501.

15 Sec. 2. Section 8-208, Arizona Revised Statutes, is amended to  
16 read:

17 8-208. Juvenile court records; public inspection; exceptions

18 A. The following records relating to a juvenile who is referred to  
19 juvenile court are open to public inspection:

20 1. Referrals involving delinquent acts, after the referrals have  
21 been made to the juvenile court or the county attorney has diverted the  
22 matter according to section 8-321.

23 2. Arrest records, after the juvenile is an accused as defined by  
24 section 13-501.

25 3. Delinquency hearings.

26 4. Disposition hearings.

27 5. A summary of delinquency, disposition and transfer hearings.

28 6. Revocation of probation hearings.

29 7. Appellate review.

30 8. Diversion proceedings involving delinquent acts.

31 B. On the request of an adult probation officer or state or local  
32 prosecutor, the juvenile court shall release to an adult probation  
33 department or prosecutor all information in its possession concerning a  
34 person who is charged with a criminal offense.

35 C. The juvenile court shall release all information in its  
36 possession concerning a person who is arrested for a criminal offense to  
37 superior court programs or departments, other court divisions or judges or  
38 as authorized by the superior court for the purpose of assisting in the  
39 determination of release from custody, bond and pretrial supervision.

40 D. On request by the appropriate jail authorities for the purpose  
41 of determining classification, treatment and security, the juvenile court  
42 shall release all information in its possession concerning persons who are  
43 under eighteen years of age, who have been transferred from juvenile court  
44 for criminal prosecution and who are being held in a county jail pending  
45 trial.

1 E. The court shall edit the records to protect the identity of the  
2 victim or the immediate family of the victim if the victim has died as a  
3 result of the alleged offense.

4 F. Except as otherwise provided by law, the records of an adoption,  
5 severance or dependency proceeding shall not be open to public inspection.

6 G. The court may order that the records be kept confidential and  
7 withheld from public inspection if the court determines that the subject  
8 matter of any record involves a clear public interest in confidentiality.

9 H. The disclosure of educational records received pursuant to  
10 section 15-141 shall comply with the family educational RIGHTS and privacy  
11 rights act of 1974 (20 United States Code section 1232g).

12 I. A PETITION FOR A SEVERE THREAT ORDER OF PROTECTION AND THE ORDER  
13 ISSUED MAY BE DISCLOSED ONLY IF THE COURT ISSUES THE SEVERE THREAT ORDER  
14 OF PROTECTION. IF, AFTER A SHOWING OF THE NEED FOR THE INFORMATION AND  
15 THAT APPROPRIATE MEASURES WILL BE TAKEN TO LIMIT FURTHER DISCLOSURE OF THE  
16 INFORMATION, THE PETITION AND THE ORDER MAY BE PROVIDED ONLY TO THE PARENT  
17 OR LEGAL GUARDIAN OF THE MINOR RESPONDENT, LAW ENFORCEMENT, A JUVENILE  
18 PROBATION OFFICER, A BEHAVIORAL HEALTH PROFESSIONAL, A SCHOOL OR DISTRICT  
19 THAT THE MINOR RESPONDENT IS ATTENDING OR HAS ATTENDED IN THE YEAR  
20 PRECEDING THE DATE OF THE ORDER AND A PERSON WHO HAS BEEN THE NAMED TARGET  
21 OF THREATS OR ACTS COMMITTED BY THE MINOR RESPONDENT.

22 Sec. 3. Title 12, chapter 10, Arizona Revised Statutes, is amended  
23 by adding article 5, to read:

24 ARTICLE 5. SEVERE THREAT ORDER OF PROTECTION

25 12-1881. Definitions

26 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 1. "CRUEL MISTREATMENT OF AN ANIMAL" MEANS TO TORTURE OR OTHERWISE  
28 INFLECT UNNECESSARY SERIOUS PHYSICAL INJURY ON OR DEATH TO AN ANIMAL OR TO  
29 KILL AN ANIMAL IN A MANNER THAT CAUSES PROTRACTED SUFFERING TO THE ANIMAL  
30 BUT DOES NOT INCLUDE ACTIVITIES THAT ARE REGULATED BY THE ARIZONA GAME AND  
31 FISH DEPARTMENT OR THE ARIZONA DEPARTMENT OF AGRICULTURE.

32 2. "EVALUATION" MEANS A PROFESSIONAL MULTIDISCIPLINARY ANALYSIS OF  
33 A PERSON THAT INCLUDES FIRSTHAND OBSERVATIONS OR REMOTE OBSERVATIONS BY  
34 INTERACTIVE AUDIOVISUAL MEDIA AND THAT IS BASED ON DATA DESCRIBING THE  
35 PERSON'S IDENTITY, BIOGRAPHY AND MEDICAL, PSYCHOLOGICAL AND SOCIAL  
36 CONDITIONS CARRIED OUT BY AT LEAST TWO INDIVIDUALS, ONE OF WHOM IS A  
37 LICENSED PSYCHIATRIST AND ONE OF WHOM IS A SOCIAL WORKER WHO IS FAMILIAR  
38 WITH MENTAL HEALTH AND HUMAN SERVICES THAT MAY PROVIDE PLACEMENT  
39 ALTERNATIVES APPROPRIATE FOR TREATMENT.

40 3. "EVALUATION AGENCY" MEANS A HEALTH CARE AGENCY THAT IS LICENSED  
41 BY THE DEPARTMENT OF HEALTH SERVICES AND THAT HAS BEEN APPROVED PURSUANT  
42 TO TITLE 36.

43 4. "FAMILY MEMBER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A SPOUSE,  
44 CHILD, STEPCHILD, PARENT, STEPPARENT, SIBLING, GRANDCHILD OR GRANDPARENT  
45 OF THE INDIVIDUAL, A PERSON WITH WHOM THE INDIVIDUAL SHARES A CHILD IN

1 COMMON, THE LEGAL GUARDIAN OF THE INDIVIDUAL OR A PERSON WHO COHABITATES  
2 OR HAS COHABITATED WITH THE INDIVIDUAL WITHIN THE PREVIOUS YEAR.

3 5. "PETITIONER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF  
4 AGE AND WHO IS A FAMILY MEMBER, LEGAL GUARDIAN, HOUSEHOLD MEMBER,  
5 SIGNIFICANT OTHER, SCHOOL ADMINISTRATOR, PROBATION OFFICER OR BEHAVIORAL  
6 HEALTH PROFESSIONAL.

7 6. "SCHOOL ADMINISTRATOR" MEANS THE PRINCIPAL OR PERSON HAVING  
8 GENERAL DAILY CONTROL AND SUPERVISION OF A SCHOOL OR THAT PERSON'S  
9 DESIGNEE.

10 7. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN  
11 SECTION 13-105.

12 8. "SIGNIFICANT OTHER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A  
13 PERSON WITH WHOM THE INDIVIDUAL HAS BEEN INVOLVED IN A SUBSTANTIAL AND  
14 ONGOING ROMANTIC RELATIONSHIP WITHIN THE PREVIOUS YEAR.

15 12-1882. Severe threat order of protection; ex parte severe  
16 threat pickup order issuance; request for hearing;  
17 notice; law enforcement notification; civil  
18 liability

19 A. A PETITIONER MAY FILE A VERIFIED PETITION IN THE SUPERIOR COURT  
20 REQUESTING THE COURT TO ISSUE A SEVERE THREAT ORDER OF PROTECTION. A  
21 SEVERE THREAT ORDER OF PROTECTION SHALL REQUIRE THE SUBJECT OF THE ORDER  
22 TO SUBMIT TO AN EVALUATION FOR SERIOUS MENTAL ILLNESS, BEHAVIORAL HEALTH  
23 ISSUES AND SUBSTANCE ABUSE BASED ON THE SUBJECT'S MAKING A CREDIBLE THREAT  
24 OF DEATH OR SERIOUS PHYSICAL INJURY, COMMITTING OR ATTEMPTING TO COMMIT AN  
25 ACT OF VIOLENCE THAT RESULTED IN OR WAS INTENDED TO RESULT IN DEATH OR  
26 SERIOUS PHYSICAL INJURY TO SELF OR OTHERS OR CRUEL MISTREATMENT OF AN  
27 ANIMAL.

28 B. THE PETITION FOR A SEVERE THREAT ORDER OF PROTECTION MUST  
29 INCLUDE ALL OF THE FOLLOWING:

30 1. THE PETITIONER'S NAME. THE PETITIONER'S ADDRESS SHALL BE  
31 DISCLOSED TO THE COURT FOR PURPOSES OF SERVICE. IF THE ADDRESS OF THE  
32 PETITIONER IS UNKNOWN TO THE RESPONDENT, THE PETITIONER MAY REQUEST THAT  
33 THE ADDRESS BE PROTECTED. ON THE PETITIONER'S REQUEST, THE ADDRESS SHALL  
34 NOT BE LISTED ON THE PETITION. WHETHER OR NOT THE COURT ISSUES A SEVERE  
35 THREAT ORDER OF PROTECTION, THE PROTECTED ADDRESS SHALL BE MAINTAINED IN A  
36 SEPARATE DOCUMENT OR ELECTRONICALLY AND IS NOT SUBJECT TO RELEASE OR  
37 DISCLOSURE BY THE COURT OR TO ANY FORM OF PUBLIC ACCESS EXCEPT AS ORDERED  
38 BY THE COURT.

39 2. THE RESPONDENT'S NAME AND ADDRESS, IF KNOWN, OR, IF THE PERSON  
40 IS BELIEVED TO BE HOMELESS, THE CROSS STREETS OF THE AREA WHERE THE PERSON  
41 MAY BE LOCATED.

42 3. A SPECIFIC STATEMENT, INCLUDING DATES, LOCATIONS AND APPROXIMATE  
43 TIMES, OF ANY OF THE FOLLOWING ACTS:

44 (a) A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY, AN ACT  
45 OF VIOLENCE THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY OR AN

1 ATTEMPTED ACT OF VIOLENCE THAT WAS INTENDED TO CAUSE DEATH OR SERIOUS  
2 PHYSICAL INJURY AGAINST SELF OR OTHERS OR CRUEL MISTREATMENT OF AN ANIMAL  
3 THAT OCCURRED WITHIN THE PRECEDING SIX MONTHS.

4 (b) A SPECIFIC BEHAVIOR OR ACT THAT JUSTIFIES THE REASONABLE BELIEF  
5 THAT THE RESPONDENT IS A DANGER TO SELF OR OTHERS.

6 4. THE RELATIONSHIP BETWEEN THE PARTIES AND WHETHER THERE IS OR HAS  
7 BEEN A SEVERE THREAT ORDER OF PROTECTION, A DOMESTIC VIOLENCE ORDER OF  
8 PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR AN INJUNCTION AGAINST  
9 WORKPLACE HARASSMENT IN PLACE BETWEEN THE PARTIES.

10 5. WHETHER THE PETITIONER KNOWS IF THE RESPONDENT IS CURRENTLY OR  
11 PREVIOUSLY WAS THE SUBJECT OF A SEVERE THREAT ORDER OF PROTECTION, A  
12 DOMESTIC VIOLENCE ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR  
13 AN INJUNCTION AGAINST WORKPLACE HARASSMENT.

14 6. THE NAME OF THE COURT IN WHICH ANY PREVIOUS OR PENDING  
15 PROCEEDING OR ORDER WAS SOUGHT OR ISSUED CONCERNING THE RESPONDENT OR OF  
16 WHICH THE PETITIONER IS AWARE.

17 7. A STATEMENT THAT, BASED ON THE INFORMATION REQUIRED IN THE  
18 PETITION, THE PETITIONER REASONABLY BELIEVES A SEVERE THREAT ORDER OF  
19 PROTECTION IS NECESSARY BECAUSE THE RESPONDENT POSES A SIGNIFICANT DANGER  
20 OF IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS.

21 C. THE COURT SHALL REVIEW THE PETITION, ANY OTHER PLEADINGS ON FILE  
22 AND ANY EVIDENCE OFFERED BY THE PETITIONER, INCLUDING ANY EVIDENCE OF:

23 1. A RECENT CREDIBLE THREAT TO CAUSE DEATH OR SERIOUS PHYSICAL  
24 INJURY OR AN ACT OR ATTEMPTED ACT CAUSING DEATH OR SERIOUS PHYSICAL INJURY  
25 BY THE RESPONDENT AGAINST SELF OR OTHERS.

26 2. A PATTERN OF THREATS TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY  
27 OR ACTS OR ATTEMPTED ACTS CAUSING DEATH OR SERIOUS PHYSICAL INJURY BY THE  
28 RESPONDENT WITHIN THE PRECEDING SIX MONTHS. EVIDENCE THAT THE RESPONDENT  
29 HAS VIOLATED AN ORDER OF PROTECTION OR AN INJUNCTION AGAINST HARASSMENT  
30 MAY BE USED TO DEMONSTRATE A PATTERN FOR THE PURPOSES OF THIS PARAGRAPH.

31 3. THE RESPONDENT'S CRUEL MISTREATMENT OF AN ANIMAL.

32 4. KNOWN DANGEROUS MENTAL HEALTH ISSUES OF THE RESPONDENT.

33 5. THE RESPONDENT'S HAVING PREVIOUSLY BEEN SUBJECT TO OR CURRENTLY  
34 BEING SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION.

35 6. A CONVICTION FOR A VIOLENT CRIME COMMITTED BY THE RESPONDENT.

36 7. A CONVICTION FOR AN OFFENSE INVOLVING UNLAWFUL USE, THREATENING  
37 DISPLAY OR BRANDISHING OF A FIREARM BY THE RESPONDENT IN VIOLATION OF  
38 TITLE 13, CHAPTER 31 OR A CONVICTION FOR AN OFFENSE IN ANOTHER  
39 JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF TITLE  
40 13, CHAPTER 31.

41 8. THE RESPONDENT'S HISTORY OF USE, ATTEMPTED USE OR THREATENED USE  
42 OF PHYSICAL FORCE AGAINST ANOTHER PERSON OR STALKING ANOTHER PERSON.

43 9. THE RESPONDENT'S RECURRING ABUSE OF CONTROLLED SUBSTANCES OR  
44 ALCOHOL IF THE EVIDENCE DEMONSTRATES THAT THE ABUSE IS A CONTRIBUTING  
45 FACTOR TO THE RESPONDENT'S DANGEROUSNESS OR VIOLENCE.

1 D. THE COURT SHALL ISSUE AN EX PARTE SEVERE THREAT PICKUP ORDER IF  
2 THE COURT DETERMINES THAT, BASED ON THE FACTORS ENUMERATED IN THIS  
3 SECTION, CLEAR AND CONVINCING EVIDENCE EXISTS TO BELIEVE THAT THE  
4 RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT, FOR THE SAFETY OF  
5 THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD BE EVALUATED BY AN  
6 EVALUATION AGENCY.

7 E. THE COURT SHALL IMMEDIATELY TRANSMIT THE PETITION AND AN EX  
8 PARTE SEVERE THREAT PICKUP ORDER ISSUED PURSUANT TO THIS SECTION TO THE  
9 COUNTY SHERIFF OR LOCAL LAW ENFORCEMENT AGENCY FOR THE JURISDICTION IN  
10 WHICH THE PERSON WHO IS SUBJECT TO THE ORDER RESIDES FOR SERVICE. THE  
11 ORDER SHALL REQUIRE A LAW ENFORCEMENT OFFICER TO TRANSPORT THE PERSON WHO  
12 IS THE SUBJECT OF THE ORDER TO THE COURT AS SOON AS PRACTICABLE FOR A  
13 HEARING TO DETERMINE THE VALIDITY OF THE ALLEGATIONS IN THE PETITION. THE  
14 PERSON WHO IS THE SUBJECT OF THE ORDER SHALL BE SERVED WITH A COPY OF THE  
15 PETITION AND THE EX PARTE SEVERE THREAT PICKUP ORDER. THE RETURN OF  
16 SERVICE MUST BE FILED WITHIN TWENTY-FOUR HOURS AFTER SERVICE WITH THE  
17 CLERK OF THE ISSUING COURT. AFTER THE PERSON HAS HAD AN OPPORTUNITY TO  
18 RESPOND TO THE ALLEGATIONS IN THE PETITION AT AN INITIAL APPEARANCE WITHIN  
19 TWENTY-FOUR HOURS, THE COURT SHALL DETERMINE WHETHER CLEAR AND CONVINCING  
20 EVIDENCE STILL EXISTS TO BELIEVE THAT THE PERSON POSES A DANGER TO SELF OR  
21 OTHERS. IF THE COURT DETERMINES THAT CLEAR AND CONVINCING EVIDENCE DOES  
22 NOT EXIST, THE COURT SHALL QUASH THE EX PARTE SEVERE THREAT PICKUP ORDER  
23 AND NOTIFY THE SHERIFF THAT THE ORDER HAS BEEN QUASHED. THE PETITIONER  
24 SHALL BE NOTIFIED OF THE COURT'S FINDINGS. IF THE COURT FINDS THAT CLEAR  
25 AND CONVINCING EVIDENCE STILL EXISTS THAT THE PERSON IS A DANGER TO SELF  
26 OR OTHERS, THE COURT SHALL ORDER THAT THE EX PARTE SEVERE THREAT PICKUP  
27 ORDER REMAIN IN PLACE AND THAT THE SHERIFF TRANSPORT THE PERSON, ALONG  
28 WITH A COPY OF THE PETITION AND ANY EVIDENCE THAT WAS PRESENTED TO THE  
29 COURT, TO AN EVALUATION AGENCY. THE EVALUATION AGENCY SHALL EVALUATE THE  
30 PERSON FOR SERIOUS MENTAL ILLNESS, BEHAVIORAL HEALTH ISSUES AND SUBSTANCE  
31 ABUSE AS PRESCRIBED IN SECTION 12-1883, SUBSECTIONS C, D, E AND F.

32 F. IF, AFTER REVIEWING THE EVALUATION AND PROVIDING THE PERSON WHO  
33 IS THE SUBJECT OF THE ORDER WITH A SUBSEQUENT HEARING AND AN OPPORTUNITY  
34 TO RESPOND AND BE REPRESENTED BY AN ATTORNEY, THE COURT FINDS THAT CLEAR  
35 AND CONVINCING EVIDENCE EXISTS THAT THE PERSON IS A DANGER TO SELF OR  
36 OTHERS, THE COURT SHALL ENTER A SEVERE THREAT ORDER OF PROTECTION THAT  
37 PROHIBITS THE PERSON FROM POSSESSING A FIREARM FOR THE DURATION OF THE  
38 ORDER.

39 G. THE RESPONDENT TO AN EX PARTE SEVERE THREAT PICKUP ORDER OR A  
40 SEVERE THREAT ORDER OF PROTECTION MAY CONSULT AN ATTORNEY BEFORE A HEARING  
41 OR AN EVALUATION IS CONDUCTED PURSUANT TO THIS SECTION AND MAY HAVE AN  
42 ATTORNEY PRESENT AT ANY HEARING HELD PURSUANT TO THIS ARTICLE. IF THE  
43 PERSON WHO IS SUBJECT TO THE ORDER IS A MINOR, THE PARENT OR LEGAL  
44 GUARDIAN OF THE MINOR SHALL BE IMMEDIATELY NOTIFIED OF THE LOCATION TO  
45 WHICH THE MINOR IS BEING TAKEN AND THAT THE MINOR MAY CONSULT AND HAVE AN

1 ATTORNEY PRESENT AT ANY HEARING THAT IS HELD PURSUANT TO THIS ARTICLE. IF  
2 THE RESPONDENT IS A MINOR, THE MINOR SHALL BE APPOINTED A GUARDIAN  
3 AD LITEM FOR THE PENDENCY OF THE PROCEEDINGS.

4 H. AN EX PARTE SEVERE THREAT PICKUP ORDER EXPIRES AFTER TWENTY-ONE  
5 DAYS UNLESS QUASHED, RENEWED OR EXTENDED BY THE COURT AFTER A HEARING AND  
6 CONSIDERATION OF THE PERSON'S COMPLIANCE WITH THE ORDER AND THE RESULTS OF  
7 ANY EVALUATION THAT RESULTS FROM THE ORDER.

8 I. AT ANY TIME DURING THE PERIOD FOR WHICH THE SEVERE THREAT ORDER  
9 OF PROTECTION IS IN EFFECT, A PERSON WHO IS SUBJECT TO THE ORDER IS  
10 ENTITLED TO ONE HEARING ON WRITTEN REQUEST IN ORDER TO MODIFY, EXTEND OR  
11 QUASH THE ORDER. NO FEE MAY BE CHARGED FOR REQUESTING A HEARING. A  
12 HEARING THAT IS REQUESTED BY A PERSON WHO IS SUBJECT TO A SEVERE THREAT  
13 ORDER OF PROTECTION SHALL BE HELD AT THE EARLIEST POSSIBLE TIME BUT NOT  
14 LATER THAN TEN DAYS AFTER THE DATE OF THE REQUEST UNLESS THE COURT FINDS  
15 GOOD CAUSE TO CONTINUE THE HEARING. IF THE PERSON IS STILL IN THE CUSTODY  
16 OF AN EVALUATION AGENCY, THE HEARING SHALL BE HELD WITHIN FIVE DAYS AFTER  
17 THE DATE REQUESTED. AN ORDER THAT IS ISSUED PURSUANT TO THIS SECTION  
18 SHALL STATE THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS ENTITLED TO A  
19 HEARING ON WRITTEN REQUEST AND THAT THE PERSON MAY CONSULT AND HAVE AN  
20 ATTORNEY PRESENT AT THE HEARING. THE ORDER SHALL INCLUDE THE NAME AND  
21 ADDRESS OF THE CLERK OF THE COURT WHERE THE REQUEST MAY BE FILED AND THE  
22 NAME OF THE JUDICIAL OFFICER WHO ISSUED THE ORDER. THE COURT MAY MODIFY,  
23 EXTEND OR QUASH THE ORDER.

24 J. THE FOLLOWING INFORMATION AND STATEMENT MUST BE INCLUDED ON ALL  
25 EX PARTE SEVERE THREAT PICKUP ORDERS:

26 TO THE PERSON NAMED AS THE SUBJECT OF THIS ORDER:  
27 THIS IS AN OFFICIAL COURT ORDER. THIS ORDER IS VALID UNTIL  
28 THE EXPIRATION DATE AND TIME NOTED ABOVE. IF YOU DISOBEY  
29 THIS ORDER, YOU MAY BE ARRESTED AND PROSECUTED FOR THE CRIME  
30 OF INTERFERING WITH JUDICIAL PROCEEDINGS AND ANY OTHER CRIME  
31 YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER. YOU WILL  
32 BE PROVIDED AN OPPORTUNITY FOR A HEARING WITH A JUDICIAL  
33 OFFICER TO DETERMINE IF THE ORDER WILL BE EXTENDED OR  
34 QUASHED. FAILURE TO APPEAR AT THAT HEARING MAY RESULT IN A  
35 COURT ISSUING AN ORDER AGAINST YOU THAT IS VALID FOR UP TO  
36 ONE HUNDRED EIGHTY DAYS.

37 THIS ORDER IS IN EFFECT ONCE SERVED ON YOU AND  
38 REQUIRES YOU TO SUBMIT TO AN EVALUATION BY AN EVALUATION  
39 AGENCY. YOU ARE ENTITLED TO A HEARING REGARDING THE  
40 EVALUATION AND ANY RELATED ORDERS REGARDING A FIREARM. IF  
41 THE ORDER INCLUDES A FIREARM PROHIBITION, YOU ARE ORDERED TO  
42 SURRENDER ALL FIREARMS THAT YOU POSSESS. YOU MAY NOT  
43 PURCHASE OR POSSESS OR ATTEMPT TO PURCHASE OR RECEIVE A  
44 FIREARM AFTER THE ORDER IS IN PLACE AND AFTER THE  
45 OPPORTUNITY FOR A HEARING. YOU HAVE THE RIGHT TO REQUEST



1 ONE HEARING DURING THE PERIOD OF TIME THAT THE ORDER IS IN  
2 EFFECT. YOU MAY SEEK THE ADVICE OF AN ATTORNEY AS TO ANY  
3 MATTER CONNECTED WITH THE ORDER AND HAVE AN ATTORNEY PRESENT  
4 AT ANY HEARING REGARDING THIS MATTER. THE ATTORNEY SHOULD  
5 BE CONSULTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST YOU IN  
6 ANY MATTER CONNECTED WITH THE ORDER.

7 K. A LAW ENFORCEMENT OFFICER WHO IS SERVING AN EX PARTE SEVERE  
8 THREAT PICKUP ORDER MAY TAKE TEMPORARY CUSTODY OF ANY FIREARM THAT IS IN  
9 PLAIN SIGHT OR DISCOVERED PURSUANT TO A CONSENSUAL OR OTHER LAWFUL SEARCH  
10 AND THAT IS NECESSARY FOR THE PROTECTION OF THE LAW ENFORCEMENT OFFICER OR  
11 OTHER PERSONS PRESENT AS PROVIDED IN SECTION 13-3102, SUBSECTION L.

12 L. WITHIN TWENTY-FOUR HOURS AFTER A COURT ISSUES A SEVERE THREAT  
13 ORDER OF PROTECTION THE COURT MUST FORWARD A COPY OF THE ORDER AND PROOF  
14 OF SERVICE, IF APPLICABLE, TO THE SHERIFF'S OFFICE IN THE COUNTY IN WHICH  
15 THE ORDER WAS ISSUED FOR REGISTRATION BY THE SHERIFF IN A CENTRAL  
16 REPOSITORY. THE SHERIFF SHALL REGISTER THE ORDER WITH THE NATIONAL CRIME  
17 INFORMATION CENTER AND SHALL INDICATE ON THE FILE WHETHER THE PERSON IS  
18 SUBJECT TO FIREARM RESTRICTIONS.

19 M. EACH COUNTY SHERIFF SHALL MAINTAIN A CENTRAL REPOSITORY TO  
20 VERIFY THE EXISTENCE AND VALIDITY OF A SEVERE THREAT ORDER OF PROTECTION.

21 N. WITHIN TWENTY-FOUR HOURS AFTER A COURT MODIFIES, EXTENDS OR  
22 QUASHES A SEVERE THREAT ORDER OF PROTECTION, THE COURT SHALL SEND A  
23 WRITTEN ORDER THAT MODIFIES, EXTENDS OR QUASHES THE SEVERE THREAT ORDER OF  
24 PROTECTION TO THE SHERIFF IN THE COUNTY WHERE THE ORIGINAL ORDER WAS  
25 REGISTERED. THE SHERIFF SHALL ENSURE THAT THE NATIONAL CRIME INFORMATION  
26 CENTER IS UPDATED WITH THIS INFORMATION.

27 O. A PERSON WHO ACTS PURSUANT TO THIS ARTICLE IN GOOD FAITH ON  
28 EITHER ACTUAL KNOWLEDGE OR RELIABLE INFORMATION IS NOT SUBJECT TO CIVIL  
29 LIABILITY FOR THAT ACT.

30 12-1883. Emergency severe threat order of protection;  
31 issuance; grounds; detention period

32 A. A LAW ENFORCEMENT OFFICER MAY SEEK AN EMERGENCY SEVERE THREAT  
33 ORDER OF PROTECTION FROM THE SUPERIOR COURT THAT ALLOWS THE LAW  
34 ENFORCEMENT OFFICER TO TAKE A PERSON INTO CUSTODY IF THE LAW ENFORCEMENT  
35 OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON IS AN IMMEDIATE DANGER TO  
36 SELF OR OTHERS AND IS LIKELY TO SUFFER DEATH OR SERIOUS PHYSICAL INJURY OR  
37 CAUSE DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON UNLESS IMMEDIATE  
38 ACTION IS TAKEN.

39 B. AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION SHALL BE ISSUED  
40 USING THE SAME PROCEDURES FOR ISSUING AN EMERGENCY ORDER OF PROTECTION  
41 PURSUANT TO SECTION 13-3624, EXCEPT THAT THE GROUNDS FOR ISSUING AN  
42 EMERGENCY SEVERE THREAT ORDER OF PROTECTION INCLUDE ANY OF THE FOLLOWING:

43 1. MAKING A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY,  
44 COMMITTING AN ACT OR ATTEMPTED ACT OF VIOLENCE THAT RESULTS IN OR IS

1 INTENDED TO RESULT IN DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS  
2 OR CRUEL MISTREATMENT OF AN ANIMAL WITHIN THE PRECEDING FOURTEEN DAYS.

3 2. A PATTERN OF MAKING CREDIBLE THREATS OF DEATH OR SERIOUS  
4 PHYSICAL INJURY, COMMITTING ACTS OR ATTEMPTED ACTS OF VIOLENCE THAT RESULT  
5 IN DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS WITHIN THE PRECEDING  
6 SIX MONTHS OR CRUEL MISTREATMENT OF AN ANIMAL.

7 3. SPECIFIC BEHAVIORS OR ACTS THAT HAVE OCCURRED WITHIN THE  
8 PRECEDING FOURTEEN DAYS AND THAT JUSTIFY THE REASONABLE BELIEF THAT A  
9 PERSON IS AN IMMEDIATE DANGER TO SELF OR OTHERS.

10 C. A LAW ENFORCEMENT OFFICER WHO TAKES A PERSON INTO CUSTODY  
11 PURSUANT TO AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION SHALL TRANSPORT  
12 THE PERSON NAMED IN THE ORDER TO AN EVALUATION AGENCY. WITHIN SEVENTY-TWO  
13 HOURS AFTER THE PERSON IS ADMITTED NOT INCLUDING WEEKENDS AND HOLIDAYS,  
14 THE EVALUATING AGENCY MUST COMPLETE AN EVALUATION OF THE PERSON FOR  
15 SERIOUS MENTAL ILLNESS, BEHAVIORAL HEALTH ISSUES AND SUBSTANCE ABUSE.

16 D. IF THE PERSON WHO IS SUBJECT TO THE ORDER REFUSES TO PARTICIPATE  
17 IN THE EVALUATION, THE EVALUATION AGENCY SHALL NOTIFY THE COURT AND THE  
18 PERSON'S LEGAL GUARDIAN, IF APPLICABLE, OF THE KNOWN FACTS AND  
19 CIRCUMSTANCES AND REQUEST THAT THE COURT HOLD A HEARING AND ENTER AN ORDER  
20 PURSUANT TO SECTION 36-530, SUBSECTION D.

21 E. THE EVALUATION AGENCY SHALL PROVIDE THE EVALUATION RESULTS TO  
22 THE COURT. THE COURT SHALL SCHEDULE A HEARING AS SOON AS PRACTICABLE BUT  
23 NOT MORE THAN FIVE DAYS AFTER THE COURT RECEIVES THE EVALUATION RESULTS.  
24 IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON WHO IS  
25 SUBJECT TO THE ORDER IS AN IMMEDIATE DANGER TO SELF OR OTHERS, THE COURT  
26 SHALL ISSUE A SEVERE THREAT ORDER OF PROTECTION AND SCHEDULE A HEARING IN  
27 TEN DAYS TO DETERMINE THE PERIOD OF TIME THAT THE ORDER WILL REMAIN IN  
28 EFFECT. THE COURT MAY ORDER THE PERSON TO UNDERGO TREATMENT PURSUANT TO  
29 SECTION 36-540, SUBSECTIONS A, B AND C.

30 F. IF THE COURT DOES NOT FIND THE PERSON WHO IS SUBJECT TO THE  
31 ORDER TO BE AN IMMEDIATE DANGER TO SELF OR OTHERS, THE COURT SHALL NOTIFY  
32 THE LAW ENFORCEMENT AGENCY THAT REQUESTED THE EMERGENCY SEVERE THREAT  
33 ORDER OF PROTECTION WITHIN TWENTY-FOUR HOURS AFTER THAT DETERMINATION IS  
34 MADE. THE COURT MAY REMAND THE PERSON TO THE CUSTODY OF A LAW ENFORCEMENT  
35 AGENCY TO ADDRESS ANY PENDING CRIMINAL CHARGES.

36 G. AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION EXPIRES AFTER  
37 FOURTEEN DAYS UNLESS QUASHED, RENEWED OR EXTENDED BY THE COURT AFTER A  
38 HEARING AND CONSIDERING THE PERSON'S COMPLIANCE WITH THE ORDER AND THE  
39 RESULTS OF ANY EVALUATION THAT RESULTS FROM THE ORDER.

1           12-1884. Severe threat order of protection extension

2           A. A PETITIONER MAY FILE A VERIFIED PETITION IN THE SUPERIOR COURT  
3 REQUESTING THAT AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION BE EXTENDED  
4 FOR UP TO ONE HUNDRED EIGHTY DAYS IF CLEAR AND CONVINCING EVIDENCE EXISTS  
5 THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS A DANGER TO SELF OR OTHERS  
6 BASED ON THE FACTORS INCLUDED IN SECTION 12-1882.

7           B. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE  
8 ORDER HAS FAILED TO APPEAR OR RESPOND TO A PETITION TO EXTEND A SEVERE  
9 THREAT ORDER OF PROTECTION AFTER BEING PERSONALLY SERVED AND GIVEN THE  
10 OPPORTUNITY FOR A HEARING ON THE REQUESTED EXTENSION AND IF CLEAR AND  
11 CONVINCING EVIDENCE STILL EXISTS THAT THE PERSON WHO IS SUBJECT TO THE  
12 ORDER IS A DANGER TO SELF OR OTHERS BASED ON THE FACTORS INCLUDED IN  
13 SECTION 12-1882, THE COURT SHALL ISSUE THE SEVERE THREAT ORDER OF  
14 PROTECTION FOR UP TO ONE HUNDRED EIGHTY DAYS.

15           C. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE  
16 ORDER IS NOT A DANGER TO SELF OR OTHERS AFTER REVIEWING ANY EVALUATION  
17 RESULTS AND THE FACTORS INCLUDED IN SECTION 12-1882, THE COURT SHALL QUASH  
18 THE SEVERE THREAT ORDER OF PROTECTION AND FOLLOW THE PROCEDURES INCLUDED  
19 IN SECTION 12-1882.

20           12-1885. Applicability to minors; juvenile court transfer

21           IF THE RESPONDENT TO A PETITION FOR A SEVERE THREAT ORDER OF  
22 PROTECTION IS A MINOR, THE PETITION SHALL BE TRANSFERRED TO THE JUVENILE  
23 COURT.

24           12-1886. Confidential records

25           A PETITION AND ANY SUPPORTING DOCUMENTS THAT ARE FILED PURSUANT TO  
26 THIS ARTICLE ARE CONFIDENTIAL AND ARE NOT PUBLIC RECORDS UNTIL A SEVERE  
27 THREAT ORDER OF PROTECTION IS ISSUED BY THE COURT.

28           12-1887. Prohibited possession of a firearm; firearm seizure;  
29                                   violation; classification

30           A. A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION  
31 MAY NOT POSSESS OR PURCHASE A FIREARM AFTER THE ORDER HAS BEEN SERVED AND  
32 AN OPPORTUNITY FOR A HEARING WAS PROVIDED. A PERSON WHO VIOLATES THIS  
33 SECTION IS GUILTY OF A CLASS 4 FELONY.

34           B. IF THE SUBJECT OF A SEVERE THREAT ORDER OF PROTECTION IS A MINOR  
35 AND A PARENT, LEGAL GUARDIAN OR HOUSEHOLD MEMBER OWNS A FIREARM, THE  
36 PARENT OR LEGAL GUARDIAN SHALL ATTEST TO THE COURT UNDER OATH AS PART OF  
37 THE SEVERE THREAT ORDER OF PROTECTION PROCEEDINGS THAT THE FIREARM IS  
38 SECURED AND THAT THE MINOR WHO IS THE SUBJECT OF THE ORDER CANNOT ACCESS  
39 THE FIREARM.

40           C. A LAW ENFORCEMENT OFFICER WHO IS SERVING A SEVERE THREAT ORDER  
41 OF PROTECTION OR AN EX PARTE SEVERE THREAT PICKUP ORDER MAY TAKE TEMPORARY  
42 CUSTODY OF ANY FIREARM THAT IS IN PLAIN SIGHT OR DISCOVERED PURSUANT TO A  
43 CONSENSUAL OR OTHER LAWFUL SEARCH AND THAT IS NECESSARY FOR THE PROTECTION  
44 OF THE LAW ENFORCEMENT OFFICER OR OTHER PERSONS PRESENT AS PROVIDED IN  
45 SECTION 13-3102, SUBSECTION L.

1 D. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO  
2 THIS SECTION, THE LAW ENFORCEMENT OFFICER SHALL PROVIDE THE OWNER OR  
3 POSSESSOR OF THE FIREARM WITH A RECEIPT FOR EACH SEIZED FIREARM. THE  
4 RECEIPT MUST INCLUDE THE IDENTIFICATION OR SERIAL NUMBER OR ANOTHER  
5 IDENTIFYING CHARACTERISTIC OF EACH SEIZED FIREARM. EACH SEIZED FIREARM  
6 SHALL BE HELD SAFELY AND WITHOUT BEING DAMAGED FOR THE DURATION OF THE  
7 SEVERE THREAT ORDER OF PROTECTION OR UNTIL THE OWNER PROVIDES FOR OTHER  
8 MEANS OF STORAGE BY A PERSON WHO MAY LAWFULLY POSSESS THE FIREARM. THE  
9 FIREARM MAY BE DISPOSED OF ONLY IN ACCORDANCE WITH SECTION 12-941.

10 E. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO  
11 THIS SECTION, THE PETITIONER SHALL BE NOTIFIED BY THE LAW ENFORCEMENT  
12 AGENCY THAT SEIZED THE FIREARM BEFORE THE FIREARM IS RELEASED.

13 F. IF A PERSON IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION  
14 THAT PROHIBITS THE POSSESSION OF A FIREARM, WITHIN TWENTY-FOUR HOURS AFTER  
15 THE ORDER IS ISSUED, THE PERSON SHALL TURN OVER ANY FIREARMS THAT ARE  
16 POSSESSED BY THE PERSON TO A LAW ENFORCEMENT AGENCY, A FEDERALLY LICENSED  
17 FIREARMS DEALER OR A RESPONSIBLE CUSTODIAN. THE PERSON SHALL SUBMIT  
18 EVIDENCE OF THE PERSON'S COMPLIANCE WITH THIS SUBSECTION TO A LAW  
19 ENFORCEMENT AGENCY WITHIN TWENTY-FOUR HOURS AFTER THE ORDER THAT THE  
20 PERSON TURNED OVER ANY FIREARM FOR SAFEKEEPING TO A FEDERALLY LICENSED  
21 FIREARMS DEALER OR A RESPONSIBLE CUSTODIAN WHO AFFIRMS THAT THE PERSON  
22 WILL NOT HAVE ACCESS TO THE FIREARM FOR THE DURATION OF THE ORDER. IF A  
23 PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION DOES NOT OWN  
24 OR POSSESS A FIREARM, THE PERSON SHALL ATTEST TO THE COURT UNDER OATH THAT  
25 THE PERSON DOES NOT OWN OR POSSESS A FIREARM.

26 G. IF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
27 PROTECTION THAT PROHIBITS THE POSSESSION OF A FIREARM DOES NOT SUBMIT  
28 EVIDENCE OF THE PERSON'S COMPLIANCE WITH SUBSECTION F OF THIS SECTION TO A  
29 LAW ENFORCEMENT AGENCY WITHIN TWENTY-FOUR HOURS AFTER THE ORDER, THE  
30 PETITIONER OR A LAW ENFORCEMENT OFFICER MAY REQUEST THAT THE COURT ISSUE A  
31 SEARCH WARRANT TO ALLOW A LAW ENFORCEMENT OFFICER TO SEARCH FOR AND SEIZE  
32 ANY FIREARM THAT IS IN THE PERSON'S POSSESSION.

33 H. AFTER AN ORDER EXPIRES OR IS QUASHED, THE COURT SHALL PROVIDE  
34 THE SUBJECT OF THE ORDER WITH DOCUMENTATION THAT STATES THAT THE ORDER HAS  
35 EXPIRED OR HAS BEEN QUASHED AND IS NO LONGER IN EFFECT. A LAW ENFORCEMENT  
36 AGENCY THAT HAS CUSTODY OF A FIREARM SHALL RELEASE THE FIREARM WITHIN  
37 TWENTY-FOUR HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER THE RECEIPT OF  
38 THE EVIDENCE THAT THE ORDER HAS EXPIRED OR BEEN QUASHED OR RECEIPT OF A  
39 COURT DOCUMENT EVIDENCING THAT THE PERSON IS NOT PROHIBITED FROM  
40 POSSESSING A FIREARM.

41 I. IF A FIREARM IS NOT OWNED OR POSSESSED BY THE SUBJECT OF THE  
42 ORDER BUT IS OWNED OR POSSESSED BY A MINOR OR HOUSEHOLD MEMBER, THE PARENT  
43 OR LEGAL GUARDIAN SHALL SUBMIT AN AFFIDAVIT TO THE COURT STATING THAT  
44 APPROPRIATE MEASURES HAVE BEEN TAKEN TO ENSURE THAT THE SUBJECT OF THE  
45 ORDER WILL NOT HAVE ACCESS TO THE FIREARM. APPROPRIATE MEASURES INCLUDE

1 SECURING THE FIREARM AT ANOTHER LOCATION, SECURING THE FIREARM IN AN  
2 APPROPRIATE SAFE OR OTHER MEASURES THAT WILL ENSURE THE SUBJECT OF THE  
3 ORDER CANNOT ACCESS THE FIREARM.

4 J. IF A PERSON HAS BEEN FOUND TO CONSTITUTE A DANGER TO SELF OR  
5 OTHERS AND THE COURT ENTERS A SEVERE THREAT ORDER OF PROTECTION PURSUANT  
6 TO SECTION 12-1882 OR 12-1883, THE COURT SHALL FOLLOW THE PROCEDURES  
7 INCLUDED IN SECTION 12-1882. THE SUPERIOR COURT MAY ACCESS THE  
8 INFORMATION OF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
9 PROTECTION TO ENFORCE OR FACILITATE AN ORDER.

10 K. ON REQUEST, THE CLERK OF THE COURT SHALL PROVIDE CERTIFIED  
11 COPIES OF THE ORDER TO A LAW ENFORCEMENT OR PROSECUTING AGENCY THAT IS  
12 INVESTIGATING OR PROSECUTING A PROHIBITED POSSESSOR AS DEFINED IN SECTION  
13 13-3101.

14 L. A PERSON IS GUILTY OF A CLASS 4 FELONY IF THE PERSON BOTH:

15 1. INTENTIONALLY OR KNOWINGLY ALLOWS ACCESS TO A FIREARM BY A  
16 PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION.

17 2. KNOWS THE PERSON IS PROHIBITED FROM POSSESSING A FIREARM.

18 12-1888. Supreme court reporting

19 THE SUPREME COURT SHALL SUBMIT AN ANNUAL REPORT TO THE PRESIDENT OF  
20 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR  
21 WITH THE FOLLOWING INFORMATION AND SUBMIT A COPY OF THE REPORT TO THE  
22 SECRETARY OF STATE:

23 1. THE NUMBER OF PETITIONS FILED PURSUANT TO THIS ARTICLE.

24 2. THE DISPOSITION OF EACH PETITION.

25 3. THE LENGTH OF TIME THAT EACH ORDER WAS IN EFFECT.

26 4. THE NUMBER OF CASES IN WHICH A FIREARM WAS SEIZED.

27 Sec. 4. Section 13-2703, Arizona Revised Statutes, is amended to  
28 read:

29 13-2703. False swearing; classification

30 A. A person commits false swearing by making a false sworn  
31 statement, believing it to be false.

32 B. False swearing is a class 6 felony, EXCEPT THAT IT IS A CLASS 5  
33 FELONY IF THE PERSON MAKES THE FALSE SWORN STATEMENT FOR THE PURPOSE OF  
34 OBTAINING A SEVERE THREAT ORDER OF PROTECTION.

35 Sec. 5. Section 13-3101, Arizona Revised Statutes, is amended to  
36 read:

37 13-3101. Definitions

38 A. In this chapter, unless the context otherwise requires:

39 1. "Deadly weapon" means anything that is designed for lethal use.  
40 The term includes a firearm.

41 2. "Deface" means to remove, alter or destroy the manufacturer's  
42 serial number.

43 3. "Explosive" means any dynamite, nitroglycerine, black powder, or  
44 other similar explosive material, including plastic explosives. Explosive  
45 does not include ammunition or ammunition components such as primers,

1 percussion caps, smokeless powder, black powder and black powder  
2 substitutes used for hand loading purposes.

3 4. "Firearm" means any loaded or unloaded handgun, pistol,  
4 revolver, rifle, shotgun or other weapon that will expel, is designed to  
5 expel or may readily be converted to expel a projectile by the action of  
6 an explosive. Firearm does not include a firearm in permanently inoperable  
7 condition.

8 5. "Improvised explosive device" means a device that incorporates  
9 explosives or destructive, lethal, noxious, pyrotechnic or incendiary  
10 chemicals and that is designed to destroy, disfigure, terrify or harass.

11 6. "Occupied structure" means any building, object, vehicle,  
12 watercraft, aircraft or place with sides and a floor that is separately  
13 securable from any other structure attached to it, that is used for  
14 lodging, business, transportation, recreation or storage and in which one  
15 or more human beings either are or are likely to be present or so near as  
16 to be in equivalent danger at the time the discharge of a firearm occurs.  
17 Occupied structure includes any dwelling house, whether occupied,  
18 unoccupied or vacant.

19 7. "Prohibited possessor" means any person:

20 (a) Who has been found to constitute a danger to self or to others  
21 or to have a persistent or acute disability or grave disability pursuant  
22 to court order pursuant to section 36-540, and whose right to possess a  
23 firearm has not been restored pursuant to section 13-925.

24 (b) Who has been convicted within or without this state of a felony  
25 or who has been adjudicated delinquent for a felony and whose civil right  
26 to possess or carry a gun or firearm has not been restored.

27 (c) Who is at the time of possession serving a term of imprisonment  
28 in any correctional or detention facility.

29 (d) Who is at the time of possession serving a term of probation  
30 pursuant to a conviction for a domestic violence offense as defined in  
31 section 13-3601 or a felony offense, parole, community supervision, work  
32 furlough, home arrest or release on any other basis or who is serving a  
33 term of probation or parole pursuant to the interstate compact under title  
34 31, chapter 3, article 4.1.

35 (e) Who is an undocumented alien or a nonimmigrant alien traveling  
36 with or without documentation in this state for business or pleasure or  
37 who is studying in this state and who maintains a foreign residence  
38 abroad. This subdivision does not apply to:

39 (i) Nonimmigrant aliens who possess a valid hunting license or  
40 permit that is lawfully issued by a state in the United States.

41 (ii) Nonimmigrant aliens who enter the United States to participate  
42 in a competitive target shooting event or to display firearms at a sports  
43 or hunting trade show that is sponsored by a national, state or local  
44 firearms trade organization devoted to the competitive use or other  
45 sporting use of firearms.

1 (iii) Certain diplomats.

2 (iv) Officials of foreign governments or distinguished foreign  
3 visitors who are designated by the United States department of state.

4 (v) Persons who have received a waiver from the United States  
5 attorney general.

6 (f) Who has been found incompetent pursuant to rule 11, Arizona  
7 rules of criminal procedure, and who subsequently has not been found  
8 competent.

9 (g) Who is found guilty except insane.

10 (h) WHO IS SUBJECT TO A VALID SEVERE THREAT ORDER OF PROTECTION IF  
11 THE PERSON WAS PERSONALLY SERVED WITH THE ORDER AND PROVIDED AN  
12 OPPORTUNITY FOR A HEARING.

13 8. "Prohibited weapon":

14 (a) Includes the following:

15 (i) An item that is a bomb, grenade, rocket having a propellant  
16 charge of more than four ounces or mine and that is explosive, incendiary  
17 or poison gas.

18 (ii) A device that is designed, made or adapted to muffle the  
19 report of a firearm.

20 (iii) A firearm that is capable of shooting more than one shot  
21 automatically, without manual reloading, by a single function of the  
22 trigger.

23 (iv) A rifle with a barrel length of less than sixteen inches, or  
24 shotgun with a barrel length of less than eighteen inches, or any firearm  
25 that is made from a rifle or shotgun and that, as modified, has an overall  
26 length of less than twenty-six inches.

27 (v) An instrument, including a nunchaku, that consists of two or  
28 more sticks, clubs, bars or rods to be used as handles, connected by a  
29 rope, cord, wire or chain, in the design of a weapon used in connection  
30 with the practice of a system of self-defense.

31 (vi) A breakable container that contains a flammable liquid with a  
32 flash point of one hundred fifty degrees Fahrenheit or less and that has a  
33 wick or similar device capable of being ignited.

34 (vii) A chemical or combination of chemicals, compounds or  
35 materials, including dry ice, that is possessed or manufactured for the  
36 purpose of generating a gas to cause a mechanical failure, rupture or  
37 bursting or an explosion or detonation of the chemical or combination of  
38 chemicals, compounds or materials.

39 (viii) An improvised explosive device.

40 (ix) Any combination of parts or materials that is designed and  
41 intended for use in making or converting a device into an item set forth  
42 in item (i), (vi) or (viii) of this subdivision.

1 (b) Does not include:

2 (i) Any fireworks that are imported, distributed or used in  
3 compliance with state laws or local ordinances.

4 (ii) Any propellant, propellant actuated devices or propellant  
5 actuated industrial tools that are manufactured, imported or distributed  
6 for their intended purposes.

7 (iii) A device that is commercially manufactured primarily for the  
8 purpose of illumination.

9 9. "Trafficking" means to sell, transfer, distribute, dispense or  
10 otherwise dispose of a weapon or explosive to another person, or to buy,  
11 receive, possess or obtain control of a weapon or explosive, with the  
12 intent to sell, transfer, distribute, dispense or otherwise dispose of the  
13 weapon or explosive to another person.

14 B. The items set forth in subsection A, paragraph 8, subdivision  
15 (a), items (i), (ii), (iii) and (iv) of this section do not include any  
16 firearms or devices that are possessed, manufactured or transferred in  
17 compliance with federal law.

18 Sec. 6. Title 15, chapter 1, article 1, Arizona Revised Statutes,  
19 is amended by adding section 15-118, to read:

20 15-118. Suicide prevention training; approved materials;  
21 posting

22 A. ON OR BEFORE JULY 1, 2019, THE ARIZONA HEALTH CARE COST  
23 CONTAINMENT SYSTEM ADMINISTRATION SHALL ANNUALLY IDENTIFY OR DEVELOP AND  
24 POST ON THE ADMINISTRATION'S WEBSITE WEB-BASED TRAINING ON THE TOPIC OF  
25 SUICIDE PREVENTION THAT MAY BE USED TO FULFILL THE REQUIREMENTS OF THIS  
26 SECTION. THE ADMINISTRATION SHALL ANNUALLY UPDATE THESE APPROVED  
27 MATERIALS.

28 B. BEGINNING IN THE 2019-2020 SCHOOL YEAR, SCHOOL DISTRICTS AND  
29 CHARTER SCHOOLS SHALL REQUIRE THE FOLLOWING FOR TEACHERS, PRINCIPALS AND  
30 OTHER SCHOOL PERSONNEL WHO WORK WITH PUPILS IN GRADES SIX THROUGH TWELVE:

31 1. TRAINING IN SUICIDE PREVENTION.

32 2. TRAINING TO IDENTIFY THE WARNING SIGNS OF SUICIDAL BEHAVIOR IN  
33 ADOLESCENTS AND TEENS.

34 3. TRAINING IN APPROPRIATE INTERVENTION AND REFERRAL TECHNIQUES.

35 C. THE TRAINING REQUIRED BY SUBSECTION B OF THIS SECTION:

36 1. MUST USE EVIDENCE-BASED TRAINING MATERIALS.

37 2. MAY BE PROVIDED WITHIN THE FRAMEWORK OF EXISTING IN-SERVICE  
38 TRAINING PROGRAMS OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL OR AS  
39 PART OF PROFESSIONAL DEVELOPMENT ACTIVITIES.

40 Sec. 7. Title 15, chapter 1, article 5, Arizona Revised Statutes,  
41 is amended by adding sections 15-153 and 15-153.01, to read:

42 15-153. School safety requirements; emergency response plans;  
43 agreements with law enforcement

44 A. BEGINNING IN THE 2018-2019 SCHOOL YEAR, EACH SCHOOL DISTRICT OR  
45 CHARTER SCHOOL THAT ISSUES STUDENT IDENTIFICATION CARDS SHALL INCLUDE ON



1 THE IDENTIFICATION CARDS THE TELEPHONE NUMBER OF THE SAFE SCHOOLS HOTLINE  
2 THAT IS OPERATED BY THE CENTER FOR SCHOOL SAFETY AND ESTABLISHED PURSUANT  
3 TO SECTION 41-1711.

4 B. EACH VISITOR TO THE CAMPUS OF A LOCAL EDUCATION AGENCY SHALL  
5 PROVIDE IDENTIFICATION TO ANY SCHOOL EMPLOYEE. A SCHOOL EMPLOYEE MAY  
6 INFORM A VISITOR WHO FAILS TO PROVIDE IDENTIFICATION THAT THE VISITOR MUST  
7 LEAVE THE CAMPUS OR BE SUBJECT TO A TRESPASS VIOLATION.

8 C. EACH SCHOOL DISTRICT AND CHARTER SCHOOL, IN CONJUNCTION WITH  
9 LOCAL LAW ENFORCEMENT AGENCIES AND EMERGENCY RESPONSE AGENCIES, SHALL:

10 1. PROVIDE SCHOOL SAFETY TRAINING FOR STUDENTS THAT IS  
11 AGE-APPROPRIATE.

12 2. PROVIDE PROFESSIONAL DEVELOPMENT FOR TEACHERS AND STAFF ON THE  
13 POLICIES AND PROCEDURES OF THE SCHOOL DISTRICT OR CHARTER SCHOOL RELATED  
14 TO SCHOOL SAFETY.

15 3. DEVELOP AND CONTINUOUSLY MAINTAIN AN EMERGENCY RESPONSE PLAN FOR  
16 EACH SCHOOL IN ACCORDANCE WITH THE MINIMUM STANDARDS THAT ARE JOINTLY  
17 DEVELOPED BY THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC SAFETY  
18 AND THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF EMERGENCY  
19 AND MILITARY AFFAIRS. THE EMERGENCY RESPONSE PLAN IS CRITICAL  
20 INFRASTRUCTURE INFORMATION AS DEFINED IN SECTION 41-1801 AND DOES NOT  
21 CONSTITUTE A PUBLIC RECORD. THE EMERGENCY RESPONSE PLAN SHALL CONTAIN THE  
22 CONTACT INFORMATION FOR ALL LOCAL LAW ENFORCEMENT AGENCIES WHOSE  
23 JURISDICTIONS INCLUDES THE SCHOOL AND, IF AVAILABLE, THE CONTACT  
24 INFORMATION FOR THE SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL AND THE  
25 LAW ENFORCEMENT AGENCY AFFILIATED WITH THAT SCHOOL RESOURCE OFFICER.

26 D. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ENTER INTO AN AGREEMENT  
27 WITH THE DEPARTMENT OF PUBLIC SAFETY, A COUNTY SHERIFF OR A LOCAL LAW  
28 ENFORCEMENT AGENCY TO ALLOW ACTIVE OR RESERVE LAW ENFORCEMENT OFFICERS TO  
29 PROVIDE SECURITY ON SCHOOL GROUNDS IF THEY ARE CERTIFIED BY THE ARIZONA  
30 PEACE OFFICER STANDARDS AND TRAINING BOARD. A PERSON WHO IS EMPLOYED BY A  
31 SCHOOL DISTRICT, WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS  
32 AND TRAINING BOARD AND WHO BECOMES A RESERVE PEACE OFFICER PURSUANT TO THE  
33 AGREEMENT HAS NO ADDITIONAL RESERVE DUTIES, COMMITMENTS OR OBLIGATIONS  
34 WHEN THE PERSON IS NOT ON SCHOOL PROPERTY WITH THE EXCEPTION OF THE  
35 TRAINING REQUIRED TO MAINTAIN THE PERSON'S PEACE OFFICER CERTIFICATION.

36 E. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ENTER INTO AN AGREEMENT  
37 WITH THE DEPARTMENT OF PUBLIC SAFETY, A COUNTY SHERIFF OR A LOCAL LAW  
38 ENFORCEMENT AGENCY TO ALLOW PEACE OFFICERS WHOSE JURISDICTION INCLUDES A  
39 SCHOOL TO USE THE SCHOOL'S INDOOR OR OUTDOOR FACILITIES AND PROPERTY  
40 DURING THE HOURS THAT THE SCHOOL IS OPEN TO COMPLETE ADMINISTRATIVE TASKS,  
41 INCLUDING PAPERWORK, WHILE ON DUTY.

42 15-153.01. Crime reporting; policies and procedures;  
43 notification; discipline

44 A. A SCHOOL DISTRICT GOVERNING BOARD AND A CHARTER SCHOOL GOVERNING  
45 BODY SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES FOR SCHOOL

1 PERSONNEL, PURSUANT TO SECTION 15-341, SUBSECTION A, PARAGRAPH 30, TO  
2 REPORT TO LOCAL LAW ENFORCEMENT AGENCIES ANY SUSPECTED CRIME AGAINST A  
3 PERSON OR PROPERTY THAT IS A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706  
4 OR THAT INVOLVES A DEADLY WEAPON OR DANGEROUS INSTRUMENT OR SERIOUS  
5 PHYSICAL INJURY AND ANY CONDUCT THAT POSES A THREAT OF DEATH OR SERIOUS  
6 PHYSICAL INJURY TO EMPLOYEES, STUDENTS OR OTHER PERSONS ON THE SCHOOL  
7 PROPERTY.

8 B. A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING  
9 BODY SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES THAT REQUIRE  
10 NOTIFICATION TO BE MADE TO THE PARENT OR GUARDIAN OF EACH STUDENT WHO IS  
11 INVOLVED IN A SUSPECTED CRIME OR ANY CONDUCT THAT IS DESCRIBED IN  
12 SUBSECTION A OF THIS SECTION. THE NOTIFICATION MAY NOT VIOLATE ANY  
13 STUDENT DATA PRIVACY LAW, INCLUDING THE FAMILY EDUCATIONAL RIGHTS AND  
14 PRIVACY ACT OF 1974 (20 UNITED STATES CODE SECTION 1232g).

15 C. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION MAY BE  
16 DISCIPLINED FOR A VIOLATION OF THE POLICIES OF THE SCHOOL DISTRICT  
17 GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY PURSUANT TO SECTION  
18 15-341, SUBSECTION A, PARAGRAPH 22.

19 Sec. 8. Section 15-154, Arizona Revised Statutes, is amended to  
20 read:

21 15-154. School safety program; purpose; proposals;  
22 requirements; annual report; program termination;  
23 definitions

24 A. The school safety program is established within the department  
25 of education to promote safe learning environments for students by  
26 supporting the costs of placing school resource officers or juvenile  
27 probation officers on school campuses. THE DEPARTMENT OF EDUCATION SHALL  
28 COORDINATE WITH THE DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER THE SCHOOL  
29 SAFETY PROGRAM. A school district or charter school may apply to  
30 participate in the school safety program as provided in this section for  
31 up to three fiscal years by submitting by April 15 a program proposal to  
32 the department of education. ANY INFORMATION CONCERNING SCHOOL SAFETY  
33 NEEDS OR SECURITY MEASURES THAT IS REQUIRED TO BE SUBMITTED PURSUANT TO  
34 THIS SECTION DOES NOT CONSTITUTE A PUBLIC RECORD. The program proposal  
35 shall contain:

36 1. A detailed description of the school safety needs of the charter  
37 school or school district, INCLUDING INFORMATION ON SECURITY MEASURES THAT  
38 ARE CURRENTLY IN PLACE AT EACH SCHOOL.

39 2. AN EMERGENCY RESPONSE PLAN THAT IS DEVELOPED BY THE SCHOOL  
40 DISTRICT OR CHARTER SCHOOL PURSUANT TO SECTION 15-153, SUBSECTION C.

41 ~~2.~~ 3. A plan for implementing a law-related education program or a  
42 plan that demonstrates the existence of a law-related education program as  
43 a school safety prevention strategy.

1           ~~3.~~ 4. A plan to use trained school resource officers, VOLUNTEERS  
2 WHO ARE CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING  
3 BOARD or juvenile probation officers in the school, or both.

4           ~~4.~~ 5. If the school district or charter school has already  
5 participated in the school safety program, information on the success,  
6 compliance and implementation of the most recent grant.

7           6. A LETTER IN SUPPORT OF THE PROGRAM PROPOSAL FROM THE CHIEF  
8 OFFICER OF AT LEAST ONE LAW ENFORCEMENT AGENCY.

9           B. The department of education shall administer the program in  
10 cooperation with the courts, law enforcement agencies and law-related  
11 education providers awarded a contract pursuant to section 41-2534,  
12 subject to review and approval by the state board of education. The  
13 department of education, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC  
14 SAFETY, shall use relevant crime statistics to assess the needs of each  
15 program proposal and shall visit school districts and charter schools that  
16 submit program proposals in order to verify the information contained in  
17 the program proposals. The department of education shall contract to  
18 provide guidelines, curricula and support resources for school resource  
19 officers and juvenile probation officers to use in implementing a  
20 law-related education program.

21           C. The department of education, subject to the review and approval  
22 of the state board of education, shall distribute monies to the school  
23 districts and charter schools that are in compliance with program  
24 requirements and whose plans have been approved by the state board of  
25 education. The state board of education shall also review and approve  
26 renewal applications for up to an additional three fiscal years from  
27 participating school sites.

28           D. The department of education, IN COORDINATION WITH THE DEPARTMENT  
29 OF PUBLIC SAFETY, shall review plans submitted by school districts and  
30 charter schools for participation in the school safety program and shall  
31 select sites that are eligible to receive funding based on school safety  
32 needs. The department of education may prioritize grants to school  
33 districts and charter schools that have agreements to share the cost of  
34 the school resource officer or juvenile probation officer with a law  
35 enforcement agency or the courts.

36           E. The department of education shall evaluate the effectiveness of  
37 the school safety program and report on the activities of the program and  
38 the participants in the school safety program to the president of the  
39 senate, the speaker of the house of representatives and the governor on or  
40 before November 1 of each year and shall provide a copy of this report to  
41 the secretary of state. The evaluation and report shall include survey  
42 results from participating schools and data from participating schools on  
43 the impact of participating in the school safety program. The department  
44 OF EDUCATION, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC SAFETY, shall

1 establish data guidelines for school safety program participants to follow  
2 in reporting pursuant to this subsection.

3 F. The school safety program established by this section shall  
4 include a school safety program guidance manual adopted by the department  
5 of education that requires a dispute resolution process to be included in  
6 the service agreement between a school district or charter school that  
7 received a grant from the school safety program and the law enforcement  
8 agency that provides services to the school district or charter school.

9 G. THE DEPARTMENT OF EDUCATION SHALL MEET WITH REPRESENTATIVES FROM  
10 SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE DEPARTMENT OF PUBLIC SAFETY AND  
11 LOCAL LAW ENFORCEMENT AGENCIES ON A QUARTERLY BASIS TO DISCUSS SCHOOL  
12 SAFETY.

13 ~~H.~~ H. Any appropriations that are made to the department of  
14 education for the school safety program are exempt from the provisions of  
15 section 35-190 relating to the lapsing of appropriations. All monies that  
16 are not used for an approved school safety plan during the fiscal year for  
17 which the monies were appropriated revert to the department of education  
18 for distribution to the program in the following fiscal year.

19 ~~I.~~ I. Monies received by a school district or charter school under  
20 the program shall be spent to implement the approved plans.

21 ~~J.~~ J. The program established by this section ends on July 1, 2025  
22 pursuant to section 41-3102. The auditor general shall include the school  
23 safety program as part of its ongoing sunset review of agencies and  
24 programs.

25 ~~K.~~ K. For the purposes of this section:

26 1. "Law-related education" means interactive education to equip  
27 children and youth with knowledge and skills pertaining to the law, school  
28 safety and effective citizenship.

29 2. "Law-related education program" means a program designed to  
30 provide children and youth with knowledge, skills and activities  
31 pertaining to the law and legal process and to promote law-abiding  
32 behavior with the purpose of preventing children and youth from engaging  
33 in delinquency or violence and enabling them to become productive  
34 citizens.

35 Sec. 9. Section 15-341, Arizona Revised Statutes, is amended to  
36 read:

37 15-341. General powers and duties; immunity; delegation

38 A. The governing board shall:

39 1. Prescribe and enforce policies and procedures for the governance  
40 of the schools; ~~THAT ARE~~ THAT ARE not inconsistent with law or rules prescribed by  
41 the state board of education.

42 2. Exclude from schools all books, publications, papers or  
43 audiovisual materials of a sectarian, partisan or denominational  
44 character. This paragraph ~~shall~~ DOES not ~~be construed to~~ prohibit the  
45 elective course permitted by section 15-717.01.

- 1           3. Manage and control the school property within its district.
- 2           4. Acquire school furniture, apparatus, equipment, library books
- 3 and supplies for the use of the schools.
- 4           5. Prescribe the curricula and criteria for the promotion and
- 5 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 6           6. Furnish, repair and insure, at full insurable value, the school
- 7 property of the district.
- 8           7. Construct school buildings on approval by a vote of the district
- 9 electors.
- 10          8. Make in the name of the district conveyances of property
- 11 belonging to the district and sold by the board.
- 12          9. Purchase school sites when authorized by a vote of the district
- 13 at an election conducted as nearly as practicable in the same manner as
- 14 the election provided in section 15-481 and held on a date prescribed in
- 15 section 15-491, subsection E, but such authorization shall not necessarily
- 16 specify the site to be purchased and such authorization shall not be
- 17 necessary to exchange unimproved property as provided in section 15-342,
- 18 paragraph 23.
- 19          10. Construct, improve and furnish buildings used for school
- 20 purposes when such buildings or premises are leased from the national park
- 21 service.
- 22          11. Purchase school sites or construct, improve and furnish school
- 23 buildings from the proceeds of the sale of school property only on
- 24 approval by a vote of the district electors.
- 25          12. Hold pupils to strict account for disorderly conduct on school
- 26 property.
- 27          13. Discipline students for disorderly conduct on the way to and
- 28 from school.
- 29          14. Except as provided in section 15-1224, deposit all monies
- 30 received by the district as gifts, grants and devises with the county
- 31 treasurer who shall credit the deposits as designated in the uniform
- 32 system of financial records. If not inconsistent with the terms of the
- 33 gifts, grants and devises given, any balance remaining after expenditures
- 34 for the intended purpose of the monies have been made shall be used for
- 35 reduction of school district taxes for the budget year, except that in the
- 36 case of accommodation schools the county treasurer shall carry the balance
- 37 forward for use by the county school superintendent for accommodation
- 38 schools for the budget year.
- 39          15. Provide that, if a parent or legal guardian chooses not to
- 40 accept a decision of the teacher as provided in ~~section~~ paragraph ~~#2~~ 41 of
- 41 this subsection, the parent or legal guardian may request in writing that
- 42 the governing board review the teacher's decision. This paragraph ~~shall~~
- 43 ~~DOES~~ not ~~be construed to~~ release school districts from any liability
- 44 relating to a child's promotion or retention.

1           16. Provide for adequate supervision over pupils in instructional  
2 and noninstructional activities by certificated or noncertificated  
3 personnel.

4           17. Use school monies received from the state and county school  
5 apportionment exclusively for payment of salaries of teachers and other  
6 employees and contingent expenses of the district.

7           18. Make an annual report to the county school superintendent on or  
8 before October 1 in the manner and form and on the blanks prescribed by  
9 the superintendent of public instruction or county school superintendent.  
10 The board shall also make reports directly to the county school  
11 superintendent or the superintendent of public instruction whenever  
12 required.

13           19. Deposit all monies received by school districts other than  
14 student activities monies or monies from auxiliary operations as provided  
15 in sections 15-1125 and 15-1126 with the county treasurer to the credit of  
16 the school district except as provided in paragraph 20 of this subsection  
17 and sections 15-1223 and 15-1224, and the board shall expend the monies as  
18 provided by law for other school funds.

19           20. Establish bank accounts in which the board during a month may  
20 deposit miscellaneous monies received directly by the district. The board  
21 shall remit monies deposited in the bank accounts at least monthly to the  
22 county treasurer for deposit as provided in paragraph 19 of this  
23 subsection and in accordance with the uniform system of financial records.

24           21. Prescribe and enforce policies and procedures for disciplinary  
25 action against a teacher who engages in conduct that is a violation of the  
26 policies of the governing board but that is not cause for dismissal of the  
27 teacher or for revocation of the certificate of the teacher. Disciplinary  
28 action may include suspension without pay for a period of time not to  
29 exceed ten school days. Disciplinary action shall not include suspension  
30 with pay or suspension without pay for a period of time longer than ten  
31 school days. The procedures shall include notice, hearing and appeal  
32 provisions for violations that are cause for disciplinary action. The  
33 governing board may designate a person or persons to act on behalf of the  
34 board on these matters.

35           22. Prescribe and enforce policies and procedures for disciplinary  
36 action against an administrator who engages in conduct that is a violation  
37 of the policies of the governing board regarding duties of administrators  
38 but that is not cause for dismissal of the administrator or for revocation  
39 of the certificate of the administrator. Disciplinary action may include  
40 suspension without pay for a period of time not to exceed ten school days.  
41 Disciplinary action shall not include suspension with pay or suspension  
42 without pay for a period of time longer than ten school days. The  
43 procedures shall include notice, hearing and appeal provisions for  
44 violations that are cause for disciplinary action. The governing board  
45 may designate a person or persons to act on behalf of the board on these

1 matters. For violations that are cause for dismissal, the provisions of  
2 notice, hearing and appeal in chapter 5, article 3 of this title shall  
3 apply. The filing of a timely request for a hearing suspends the  
4 imposition of a suspension without pay or a dismissal pending completion  
5 of the hearing.

6 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and  
7 enforce policies and procedures that prohibit a person from carrying or  
8 possessing a weapon on school grounds unless the person is a peace officer  
9 or has obtained specific authorization from the school administrator.

10 24. Prescribe and enforce policies and procedures relating to the  
11 health and safety of all pupils participating in ~~district sponsored~~  
12 **DISTRICT-SPONSORED** practice sessions or games or other interscholastic  
13 athletic activities, including:

14 (a) The provision of water.

15 (b) Guidelines, information and forms, developed in consultation  
16 with a statewide private entity that supervises interscholastic  
17 activities, to inform and educate coaches, pupils and parents of the  
18 dangers of concussions and head injuries and the risks of continued  
19 participation in athletic activity after a concussion. The policies and  
20 procedures shall require that, before a pupil participates in an athletic  
21 activity, the pupil and the pupil's parent must sign an information form  
22 at least once each school year that states that the parent is aware of the  
23 nature and risk of concussion. The policies and procedures shall require  
24 that a pupil who is suspected of sustaining a concussion in a practice  
25 session, game or other interscholastic athletic activity be immediately  
26 removed from the athletic activity. A coach from the pupil's team or an  
27 official or a licensed health care provider may remove a pupil from play.  
28 A team parent may also remove the parent's own child from play. A pupil  
29 may return to play on the same day if a health care provider rules out a  
30 suspected concussion at the time the pupil is removed from play. On a  
31 subsequent day, the pupil may return to play if the pupil has been  
32 evaluated by and received written clearance to resume participation in  
33 athletic activity from a health care provider who has been trained in the  
34 evaluation and management of concussions and head injuries. A health care  
35 provider who is a volunteer and who provides clearance to participate in  
36 athletic activity on the day of the suspected injury or on a subsequent  
37 day is immune from civil liability with respect to all decisions made and  
38 actions taken that are based on good faith implementation of the  
39 requirements of this subdivision, except in cases of gross negligence or  
40 wanton or wilful neglect. A school district, school district employee,  
41 team coach, official or team volunteer or a parent or guardian of a team  
42 member is not subject to civil liability for any act, omission or policy  
43 undertaken in good faith to comply with the requirements of this  
44 subdivision or for a decision made or an action taken by a health care  
45 provider. A group or organization that uses property or facilities owned

1 or operated by a school district for athletic activities shall comply with  
2 the requirements of this subdivision. A school district and its employees  
3 and volunteers are not subject to civil liability for any other person or  
4 organization's failure or alleged failure to comply with the requirements  
5 of this subdivision. This subdivision does not apply to teams that are  
6 based in another state and that participate in an athletic activity in  
7 this state. For the purposes of this subdivision, athletic activity does  
8 not include dance, rhythmic gymnastics, competitions or exhibitions of  
9 academic skills or knowledge or other similar forms of physical noncontact  
10 activities, civic activities or academic activities, whether engaged in  
11 for the purposes of competition or recreation. For the purposes of this  
12 subdivision, "health care provider" means a physician who is licensed  
13 pursuant to title 32, chapter 13 or 17, an athletic trainer who is  
14 licensed pursuant to title 32, chapter 41, a nurse practitioner who is  
15 licensed pursuant to title 32, chapter 15, and a physician assistant who  
16 is licensed pursuant to title 32, chapter 25.

17 25. Establish an assessment, data gathering and reporting system as  
18 prescribed in chapter 7, article 3 of this title.

19 26. Provide special education programs and related services  
20 pursuant to section 15-764, subsection A to all children with disabilities  
21 as defined in section 15-761.

22 27. Administer competency tests prescribed by the state board of  
23 education for the graduation of pupils from high school.

24 28. Ensure that insurance coverage is secured for all construction  
25 projects for purposes of general liability, property damage and workers'  
26 compensation and secure performance and payment bonds for all construction  
27 projects.

28 29. Keep in the personnel file of all current and former employees  
29 who provide instruction to pupils at a school information about the  
30 employee's educational and teaching background and experience in a  
31 particular academic content subject area. A school district shall inform  
32 parents and guardians of the availability of the information and shall  
33 make the information available for inspection on request of parents and  
34 guardians of pupils enrolled at a school. This paragraph ~~shall~~ DOES not  
35 ~~be construed to~~ require any school to release personally identifiable  
36 information in relation to any teacher or employee, including the  
37 teacher's or employee's address, salary, social security number or  
38 telephone number.

39 30. Report to local law enforcement agencies any suspected crime  
40 against a person or property that is a serious offense as defined in  
41 section 13-706 or that involves a deadly weapon or dangerous instrument or  
42 serious physical injury and any conduct that poses a threat of death or  
43 serious physical injury to employees, students or anyone on the property  
44 of the school. This paragraph does not limit or preclude the reporting by  
45 a school district or an employee of a school district of suspected crimes



1 other than those required to be reported by this paragraph. For the  
2 purposes of this paragraph, "dangerous instrument", "deadly weapon" and  
3 "serious physical injury" have the same meanings prescribed in section  
4 13-105.

5 ~~31. In conjunction with local law enforcement agencies and~~  
6 ~~emergency response agencies, develop an emergency response plan for each~~  
7 ~~school in the school district in accordance with minimum standards~~  
8 ~~developed jointly by the department of education and the division of~~  
9 ~~emergency management within the department of emergency and military~~  
10 ~~affairs.~~

11 ~~32.~~ 31. Provide written notice to the parents or guardians of all  
12 students enrolled in the school district at least ten days ~~prior to~~ BEFORE  
13 a public meeting to discuss closing a school within the school district.  
14 The notice shall include the reasons for the proposed closure and the time  
15 and place of the meeting. The governing board shall fix a time for a  
16 public meeting on the proposed closure ~~to~~ NOT less than ten days before  
17 voting in a public meeting to close the school. The school district  
18 governing board shall give notice of the time and place of the meeting.  
19 At the time and place designated in the notice, the school district  
20 governing board shall hear reasons for or against closing the school. The  
21 school district governing board is exempt from this paragraph if ~~it is~~  
22 ~~determined by~~ the governing board DETERMINES that the school shall be  
23 closed because it poses a danger to the health or safety of the pupils or  
24 employees of the school. A governing board may consult with the school  
25 facilities board for technical assistance and for information on the  
26 impact of closing a school. The information provided from the school  
27 facilities board shall not require the governing board to take or not take  
28 any action.

29 ~~33.~~ 32. Incorporate instruction on Native American history into  
30 appropriate existing curricula.

31 ~~34.~~ 33. Prescribe and enforce policies and procedures:

32 (a) Allowing pupils who have been diagnosed with anaphylaxis by a  
33 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or  
34 25 or by a registered nurse practitioner licensed and certified pursuant  
35 to title 32, chapter 15 to carry and self-administer emergency  
36 medications, including epinephrine auto-injectors, while at school and at  
37 school-sponsored activities. The pupil's name on the prescription label  
38 on the medication container or on the medication device and annual written  
39 documentation from the pupil's parent or guardian to the school that  
40 authorizes possession and self-administration is sufficient proof that the  
41 pupil is entitled to the possession and self-administration of the  
42 medication. The policies shall require a pupil who uses an epinephrine  
43 auto-injector while at school and at school-sponsored activities to notify  
44 the nurse or the designated school staff person of the use of the  
45 medication as soon as practicable. A school district and its employees

1 are immune from civil liability with respect to all decisions made and  
2 actions taken that are based on good faith implementation of the  
3 requirements of this subdivision, except in cases of wanton or wilful  
4 neglect.

5 (b) For the emergency administration of epinephrine auto-injectors  
6 by a trained employee of a school district pursuant to section 15-157.

7 ~~35.~~ 34. Allow the possession and self-administration of  
8 prescription medication for breathing disorders in handheld inhaler  
9 devices by pupils who have been prescribed that medication by a health  
10 care professional licensed pursuant to title 32. The pupil's name on the  
11 prescription label on the medication container or on the handheld inhaler  
12 device and annual written documentation from the pupil's parent or  
13 guardian to the school that authorizes possession and self-administration  
14 shall be sufficient proof that the pupil is entitled to the possession and  
15 self-administration of the medication. A school district and its  
16 employees are immune from civil liability with respect to all decisions  
17 made and actions taken that are based on a good faith implementation of  
18 the requirements of this paragraph.

19 ~~36.~~ 35. Prescribe and enforce policies and procedures to prohibit  
20 pupils from harassing, intimidating and bullying other pupils on school  
21 grounds, on school property, on school buses, at school bus stops, at  
22 school-sponsored events and activities and through the use of electronic  
23 technology or electronic communication on school computers, networks,  
24 forums and mailing lists that include the following components:

25 (a) A procedure for pupils, parents and school district employees  
26 to confidentially report to school officials incidents of harassment,  
27 intimidation or bullying. The school shall make available written forms  
28 designed to provide a full and detailed description of the incident and  
29 any other relevant information about the incident.

30 (b) A requirement that school district employees report in writing  
31 suspected incidents of harassment, intimidation or bullying to the  
32 appropriate school official and a description of appropriate disciplinary  
33 procedures for employees who fail to report suspected incidents that are  
34 known to the employee.

35 (c) A requirement that, at the beginning of each school year,  
36 school officials provide all pupils with a written copy of the rights,  
37 protections and support services available to a pupil who is an alleged  
38 victim of an incident reported pursuant to this paragraph.

39 (d) If an incident is reported pursuant to this paragraph, a  
40 requirement that school officials provide a pupil who is an alleged victim  
41 of the incident with a written copy of the rights, protections and support  
42 services available to that pupil.

43 (e) A formal process for the documentation of reported incidents of  
44 harassment, intimidation or bullying and for the confidentiality,  
45 maintenance and disposition of this documentation. School districts shall

1 maintain documentation of all incidents reported pursuant to this  
2 paragraph for at least six years. The school shall not use that  
3 documentation to impose disciplinary action unless the appropriate school  
4 official has investigated and determined that the reported incidents of  
5 harassment, intimidation or bullying occurred. If a school provides  
6 documentation of reported incidents to persons other than school officials  
7 or law enforcement, all individually identifiable information shall be  
8 redacted.

9 (f) A formal process for the investigation by the appropriate  
10 school officials of suspected incidents of harassment, intimidation or  
11 bullying, including procedures for notifying the alleged victim on  
12 completion and disposition of the investigation.

13 (g) Disciplinary procedures for pupils who have admitted or been  
14 found to have committed incidents of harassment, intimidation or bullying.

15 (h) A procedure that sets forth consequences for submitting false  
16 reports of incidents of harassment, intimidation or bullying.

17 (i) Procedures designed to protect the health and safety of pupils  
18 who are physically harmed as the result of incidents of harassment,  
19 intimidation and bullying, including, if appropriate, procedures to  
20 contact emergency medical services or law enforcement agencies, or both.

21 (j) Definitions of harassment, intimidation and bullying.

22 ~~37.~~ 36. Prescribe and enforce policies and procedures regarding  
23 changing or adopting attendance boundaries that include the following  
24 components:

25 (a) A procedure for holding public meetings to discuss attendance  
26 boundary changes or adoptions that allows public comments.

27 (b) A procedure to notify the parents or guardians of the students  
28 affected.

29 (c) A procedure to notify the residents of the households affected  
30 by the attendance boundary changes.

31 (d) A process for placing public meeting notices and proposed maps  
32 on the school district's website for public review, if the school district  
33 maintains a website.

34 (e) A formal process for presenting the attendance boundaries of  
35 the affected area in public meetings that allows public comments.

36 (f) A formal process for notifying the residents and parents or  
37 guardians of the affected area as to the decision of the governing board  
38 on the school district's website, if the school district maintains a  
39 website.

40 (g) A formal process for updating attendance boundaries on the  
41 school district's website within ninety days of an adopted boundary  
42 change. The school district shall send a direct link to the school  
43 district's attendance boundaries website to the department of real estate.

44 ~~38.~~ 37. If the state board of education determines that the school  
45 district has committed an overexpenditure as defined in section 15-107,

1 provide a copy of the fiscal management report submitted pursuant to  
2 section 15-107, subsection H on its website and make copies available to  
3 the public on request. The school district shall comply with a request  
4 within five business days after receipt.

5 ~~39.~~ 38. Ensure that the contract for the superintendent is  
6 structured in a manner in which up to twenty percent of the total annual  
7 salary included for the superintendent in the contract is classified as  
8 performance pay. This paragraph ~~shall~~ DOES not ~~be construed to~~ require  
9 school districts to increase total compensation for superintendents.  
10 Unless the school district governing board votes to implement an  
11 alternative procedure at a public meeting called for this purpose, the  
12 performance pay portion of the superintendent's total annual compensation  
13 shall be determined as follows:

14 (a) Twenty-five percent of the performance pay shall be determined  
15 based on the percentage of academic gain determined by the department of  
16 education of pupils who are enrolled in the school district compared to  
17 the academic gain achieved by the highest ranking of the fifty largest  
18 school districts in this state. For the purposes of this subdivision, the  
19 department of education shall determine academic gain by the academic  
20 growth achieved by each pupil who has been enrolled at the same school in  
21 a school district for at least five consecutive months measured against  
22 that pupil's academic results in the 2008-2009 school year. For the  
23 purposes of this subdivision, of the fifty largest school districts in  
24 this state, the school district with pupils who demonstrate the highest  
25 statewide percentage of overall academic gain measured against academic  
26 results for the 2008-2009 school year shall be assigned a score of 100 and  
27 the school district with pupils who demonstrate the lowest statewide  
28 percentage of overall academic gain measured against academic results for  
29 the 2008-2009 school year shall be assigned a score of 0.

30 (b) Twenty-five percent of the performance pay shall be determined  
31 by the percentage of parents of pupils who are enrolled at the school  
32 district who assign a letter grade of "A" to the school on a survey of  
33 parental satisfaction with the school district. The parental satisfaction  
34 survey shall be administered and scored by an independent entity that is  
35 selected by the governing board and that demonstrates sufficient expertise  
36 and experience to accurately measure the results of the survey. The  
37 parental satisfaction survey shall use standard random sampling procedures  
38 and provide anonymity and confidentiality to each parent who participates  
39 in the survey. The letter grade scale used on the parental satisfaction  
40 survey shall direct parents to assign one of the following letter grades:

- 41 (i) A letter grade of "A" if the school district is excellent.  
42 (ii) A letter grade of "B" if the school district is above average.  
43 (iii) A letter grade of "C" if the school district is average.  
44 (iv) A letter grade of "D" if the school district is below average.  
45 (v) A letter grade of "F" if the school district is a failure.

1 (c) Twenty-five percent of the performance pay shall be determined  
2 by the percentage of teachers who are employed at the school district and  
3 who assign a letter grade of "A" to the school on a survey of teacher  
4 satisfaction with the school. The teacher satisfaction survey shall be  
5 administered and scored by an independent entity that is selected by the  
6 governing board and that demonstrates sufficient expertise and experience  
7 to accurately measure the results of the survey. The teacher satisfaction  
8 survey shall use standard random sampling procedures and provide anonymity  
9 and confidentiality to each teacher who participates in the survey. The  
10 letter grade scale used on the teacher satisfaction survey shall direct  
11 teachers to assign one of the following letter grades:

- 12 (i) A letter grade of "A" if the school district is excellent.
- 13 (ii) A letter grade of "B" if the school district is above average.
- 14 (iii) A letter grade of "C" if the school district is average.
- 15 (iv) A letter grade of "D" if the school district is below average.
- 16 (v) A letter grade of "F" if the school district is a failure.

17 (d) Twenty-five percent of the performance pay shall be determined  
18 by other criteria selected by the governing board.

19 ~~40.~~ 39. Maintain and store permanent public records of the school  
20 district as required by law. Notwithstanding section 39-101, the  
21 standards adopted by the Arizona state library, archives and public  
22 records for the maintenance and storage of school district public records  
23 shall allow school districts to elect to satisfy the requirements of this  
24 paragraph by maintaining and storing these records either on paper or in  
25 an electronic format, or a combination of a paper and electronic format.

26 ~~41.~~ 40. Adopt in a public meeting and implement ~~by school year~~  
27 ~~2013-2014~~ policies for principal evaluations. Before the adoption of  
28 principal evaluation policies, the school district governing board shall  
29 provide opportunities for public discussion on the proposed policies. The  
30 policies shall describe:

31 (a) The principal evaluation instrument, including the four  
32 performance classifications adopted by the governing board pursuant to  
33 section 15-203, subsection A, paragraph 38.

34 (b) Alignment of professional development opportunities to the  
35 principal evaluations.

36 (c) Incentives for principals in one of the two highest performance  
37 classifications pursuant to section 15-203, subsection A, paragraph 38,  
38 which may include:

- 39 (i) Multiyear contracts pursuant to section 15-503.
- 40 (ii) Incentives to work at schools that are assigned a letter grade  
41 of D or F pursuant to section 15-241.

42 (d) Transfer and contract processes for principals designated in  
43 the lowest performance classification pursuant to section 15-203,  
44 subsection A, paragraph 38.

1           ~~42.~~ 41. Prescribe and enforce policies and procedures that define  
2 the duties of principals and teachers. These policies and procedures  
3 shall authorize teachers to take and maintain daily classroom attendance,  
4 make the decision to promote or retain a pupil in a grade in common school  
5 or to pass or fail a pupil in a course in high school, subject to review  
6 by the governing board in the manner provided in section 15-342,  
7 paragraph 11.

8           ~~43.~~ 42. Prescribe and enforce policies and procedures for the  
9 emergency administration by an employee of a school district pursuant to  
10 section 36-2267 of naloxone hydrochloride or any other opioid antagonist  
11 approved by the United States food and drug administration.

12           B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
13 section, the county school superintendent may construct, improve and  
14 furnish school buildings or purchase or sell school sites in the conduct  
15 of an accommodation school.

16           C. If any school district acquires real or personal property,  
17 whether by purchase, exchange, condemnation, gift or otherwise, the  
18 governing board shall pay to the county treasurer any taxes on the  
19 property that were unpaid as of the date of acquisition, including  
20 penalties and interest. The lien for unpaid delinquent taxes, penalties  
21 and interest on property acquired by a school district:

22           1. Is not abated, extinguished, discharged or merged in the title  
23 to the property.

24           2. Is enforceable in the same manner as other delinquent tax liens.

25           D. The governing board may not locate a school on property that is  
26 less than one-fourth mile from agricultural land regulated pursuant to  
27 section 3-365, except that the owner of the agricultural land may agree to  
28 comply with the buffer zone requirements of section 3-365. If the owner  
29 agrees in writing to comply with the buffer zone requirements and records  
30 the agreement in the office of the county recorder as a restrictive  
31 covenant running with the title to the land, the school district may  
32 locate a school within the affected buffer zone. The agreement may  
33 include any stipulations regarding the school, including conditions for  
34 future expansion of the school and changes in the operational status of  
35 the school that will result in a breach of the agreement.

36           E. A school district, its governing board members, its school  
37 council members and its employees are immune from civil liability for the  
38 consequences of adoption and implementation of policies and procedures  
39 pursuant to subsection A of this section and section 15-342. This waiver  
40 does not apply if the school district, its governing board members, its  
41 school council members or its employees are guilty of gross negligence or  
42 intentional misconduct.

43           F. A governing board may delegate in writing to a superintendent,  
44 principal or head teacher the authority to prescribe procedures that are  
45 consistent with the governing board's policies.

1 G. Notwithstanding any other provision of this title, a school  
2 district governing board shall not take any action that would result in a  
3 reduction of pupil square footage unless the governing board notifies the  
4 school facilities board established by section 15-2001 of the proposed  
5 action and receives written approval from the school facilities board to  
6 take the action. A reduction includes an increase in administrative space  
7 that results in a reduction of pupil square footage or sale of school  
8 sites or buildings, or both. A reduction includes a reconfiguration of  
9 grades that results in a reduction of pupil square footage of any grade  
10 level. This subsection does not apply to temporary reconfiguration of  
11 grades to accommodate new school construction if the temporary  
12 reconfiguration does not exceed one year. The sale of equipment that  
13 results in a reduction that falls below the equipment requirements  
14 prescribed in section 15-2011, subsection B is subject to commensurate  
15 withholding of school district additional assistance monies  
16 pursuant to the direction of the school facilities board. Except as  
17 provided in section 15-342, paragraph 10, proceeds from the sale of school  
18 sites, buildings or other equipment shall be deposited in the school plant  
19 fund as provided in section 15-1102.

20 H. Subsections C through G of this section apply to a county board  
21 of supervisors and a county school superintendent when operating and  
22 administering an accommodation school.

23 Sec. 10. Section 15-503, Arizona Revised Statutes, is amended to  
24 read:

25 15-503. Superintendents, principals, head teachers and school  
26 psychologists; term of employment; evaluation;  
27 contract delivery; nonretention notice

28 A. The governing board may:

29 1. Employ a superintendent or principal, or both. If the governing  
30 board employs a superintendent, the governing board shall determine the  
31 qualifications for the superintendent by action taken at a public meeting.  
32 The governing board shall require a superintendent to have a valid  
33 fingerprint clearance card that is issued pursuant to title 41, chapter  
34 12, article 3.1.

35 2. Appoint a head teacher.

36 3. Jointly with another governing board employ a superintendent or  
37 a principal, or both. If the governing board jointly employs a  
38 superintendent, the governing boards shall jointly determine the  
39 qualifications for the superintendent by action taken at a public meeting.  
40 The governing boards shall require a superintendent to have a valid  
41 fingerprint clearance card that is issued pursuant to title 41, chapter  
42 12, article 3.1.

43 B. The term of employment of superintendents may be for any period  
44 not exceeding three years, except that if the superintendent's contract  
45 with the school district is for multiple years pursuant to this subsection

1 the school district shall not offer to extend or renegotiate the contract  
2 until no earlier than fifteen months before the expiration of the  
3 contract. The term of employment of principals may be for any period not  
4 exceeding three years pursuant to section 15-341, subsection A, paragraph  
5 ~~41~~ 40, except that if the principal's contract with the school district is  
6 for multiple years the school district shall not offer to extend or  
7 negotiate the contract until May of the year preceding the final year of  
8 the contract. The school district governing board or the governing body  
9 of the charter school shall communicate the superintendent's or  
10 principal's duties with respect to the classroom site fund established by  
11 section 15-977.

12 C. The governing board shall establish systems for the evaluation  
13 of the performance of principals that meet the requirements prescribed in  
14 section 15-203, subsection A, paragraph 38 and other school administrators  
15 and certificated school psychologists in the school district. In the  
16 development and adoption of these performance evaluation systems, the  
17 governing board shall avail itself of the advice of its administrators and  
18 certificated school psychologists. Each evaluation shall include  
19 recommendations as to areas of improvement in the performance of the  
20 certificated school psychologist if the performance of the certificated  
21 school psychologist warrants improvement. After transmittal of an  
22 assessment, a board designee shall confer with the certificated school  
23 psychologist to make specific recommendations as to areas of improvement  
24 in the certificated school psychologist's performance. The board designee  
25 shall provide assistance and opportunities for the certificated school  
26 psychologist to improve performance and shall follow up with the  
27 certificated school psychologist after a reasonable period of time for the  
28 purpose of ascertaining that the certificated school psychologist is  
29 demonstrating adequate performance. The evaluation process for  
30 certificated school psychologists shall include appeal procedures for  
31 certificated school psychologists who disagree with the evaluation of  
32 their performance, if the evaluation is for use as criteria for  
33 establishing compensation or dismissal.

34 D. On or before May 15 each year, the governing board shall offer a  
35 contract for the next school year to each certified administrator and  
36 certificated school psychologist who is in the last year of the person's  
37 contract unless, on or before April 15, the governing board, a member of  
38 the board acting on behalf of the board or the superintendent of the  
39 school district gives notice to the administrator or certificated school  
40 psychologist of the board's intention not to offer a new contract. If the  
41 governing board has called for an override election for the third Tuesday  
42 in May as provided in section 15-481, the governing board shall offer a  
43 contract for the next school year to each certified administrator or  
44 certificated school psychologist who is in the last year of the person's  
45 contract on or before June 15 unless, no later than five days after the



1 override election excluding Saturday, Sunday and legal holidays, the  
2 governing board, a member of the board acting on behalf of the board or  
3 the superintendent of the school district gives notice to the  
4 administrator or the certificated school psychologist of the board's  
5 intention not to offer a new contract. The administrator's or the  
6 certificated school psychologist's acceptance of the contract shall be  
7 indicated within thirty days from the date of the written contract or the  
8 offer is revoked. The administrator or certificated school psychologist  
9 accepts the contract by signing the contract and returning it to the  
10 governing board or by making a written instrument that accepts the terms  
11 of the contract and delivering the written instrument to the governing  
12 board.

13 E. Notice of the board's intention not to reemploy the  
14 administrator or certificated school psychologist shall be made by  
15 delivering the notice personally to the administrator or the certificated  
16 school psychologist or by sending the notice by certified mail, postmarked  
17 on or before the applicable deadline prescribed in subsection D of this  
18 section, and directed to the administrator or the certificated school  
19 psychologist at the person's place of residence as recorded in the school  
20 district records.

21 F. The school district governing board shall make available the  
22 evaluation and performance classification pursuant to section 15-203,  
23 subsection A, paragraph 38 of each principal in the school district to  
24 school districts and charter schools that are inquiring about the  
25 performance of the principal for hiring purposes.

26 Sec. 11. Section 36-519, Arizona Revised Statutes, is amended to  
27 read:

28 36-519. Discharge of voluntary patients

29 A. The medical director of the agency shall discharge any patient  
30 admitted voluntarily who has recovered or who is no longer benefiting from  
31 the evaluation, care or treatment available, except as provided in  
32 subsection B OR D of this section.

33 B. Upon written request by a patient admitted pursuant to section  
34 36-518, subsection A or by the parent, guardian or custodian of a patient  
35 admitted pursuant to section 36-518, subsection C, the patient shall be  
36 given a discharge within twenty-four hours after the request, excluding  
37 weekends or holidays unless the medical director of the agency has  
38 proceeded pursuant to section 36-531, subsections B and C and section  
39 36-533. The costs of such proceedings shall be a charge against the  
40 county of the patient's residence.

41 C. If the medical director of the agency finds that a patient  
42 admitted voluntarily ~~is a person with~~ HAS a grave disability and requires  
43 the service of a guardian or conservator or both for the protection of  
44 health and property, he shall proceed pursuant to section 36-531,  
45 subsections B and C and section 36-533 unless it is appropriate to

1 discharge the patient to suitable alternative arrangements for care,  
2 treatment and protection.

3 D. BEFORE DISCHARGING A PATIENT, THE MEDICAL DIRECTOR OF THE  
4 EVALUATION AGENCY SHALL DETERMINE IF THE PATIENT IS A DANGER TO SELF OR  
5 OTHERS. IF IT IS DETERMINED THAT THE PATIENT IS A DANGER TO SELF OR  
6 OTHERS, THE MEDICAL DIRECTOR OF THE EVALUATION AGENCY SHALL PETITION THE  
7 COURT FOR A SEVERE THREAT ORDER OF PROTECTION PURSUANT TO TITLE 12,  
8 CHAPTER 10, ARTICLE 5. IN SUCH CASES, INFORMATION REGARDING THE  
9 DIAGNOSIS, THE TREATMENT AND ANY ACTIONS OBSERVED DURING TREATMENT MAY BE  
10 SUBSTITUTED FOR AN EVALUATION.

11 Sec. 12. Title 36, chapter 29, article 1, Arizona Revised Statutes,  
12 is amended by adding section 36-2907.14, to read:

13 36-2907.14. School-based mental and behavioral health  
14 training and services

15 BEGINNING JULY 1, 2018, IF SUFFICIENT MONIES ARE APPROPRIATED FOR  
16 THIS PURPOSE, THE ADMINISTRATION MAY MAKE PAYMENTS DIRECTLY TO SCHOOLS OR  
17 MAY REQUIRE A CONTRACTOR IN EACH GEOGRAPHIC SERVICE AREA TO PROVIDE THE  
18 FOLLOWING:

19 1. EVIDENCE-BASED MENTAL HEALTH FIRST AID TRAINING FOR TEACHERS AND  
20 ADMINISTRATORS IN PUBLIC SCHOOLS THAT PROVIDE INSTRUCTION IN ANY  
21 COMBINATION OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE.

22 2. BEHAVIORAL HEALTH SERVICES TO ELIGIBLE STUDENTS IN PUBLIC  
23 SCHOOLS THAT PROVIDE INSTRUCTION IN ANY COMBINATION OF KINDERGARTEN  
24 PROGRAMS AND GRADES ONE THROUGH TWELVE. THE SERVICES MAY ONLY BE PROVIDED  
25 AFTER RECEIVING CONSENT FROM A PARENT OR LEGAL GUARDIAN OF THE STUDENT.

26 Sec. 13. Section 41-1711, Arizona Revised Statutes, is amended to  
27 read:

28 41-1711. Department of public safety; purpose; location;  
29 qualifications of director; responsibilities;  
30 center for school safety

31 A. There shall be a department of public safety ~~which~~ THAT is  
32 responsible for creating and coordinating services for use by local law  
33 enforcement agencies in protecting the public safety. The principal  
34 office and headquarters of the department shall be in Phoenix.

35 B. The department shall formulate plans with a view to  
36 establishing modern services for THE prevention of crime, THE  
37 apprehension of violators, THE training of law enforcement  
38 personnel, and the promotion of public safety. The department shall ~~in~~  
39 ~~no way~~ NOT preempt the authority and jurisdiction of established agencies  
40 of political subdivisions of ~~the~~ THIS state.

41 C. The director shall be selected on the basis of training and  
42 experience with a minimum of five years' experience in the administration  
43 of law enforcement.

44 D. The director shall be appointed by the governor pursuant to  
45 section 38-211 to serve concurrently with the appointing governor and

1 ~~shall be~~ IS subject to removal for cause, including ~~but not limited to~~  
2 malfeasance, misfeasance and nonfeasance in office. The director shall  
3 receive annual compensation as determined pursuant to section 38-611.

4 E. The director ~~shall be~~ IS directly responsible to the governor  
5 for the conduct and the administration of the department. If the  
6 director is unable to act, the deputy director shall direct the  
7 activities of the department during the period in which the director is  
8 unable to act. If the director and deputy director are BOTH unable to  
9 act, the governor shall direct the activities of the department during  
10 the period in which the director and deputy director are BOTH unable to  
11 act.

12 F. The director shall prescribe procedures for use of department  
13 personnel, facilities, equipment, supplies and other resources in  
14 assisting search or rescue operations.

15 G. The director ~~shall be~~ IS responsible for the establishment,  
16 operation and maintenance of the statewide emergency medical services  
17 communication system prescribed by section 41-1835.

18 H. The director may purchase, lease, equip, staff and operate air  
19 ambulances, including ambulance helicopters, pursuant to section 41-1834.

20 I. To limit the expenditures of monies derived from the state  
21 highway fund established pursuant to article IX, section 14, Constitution  
22 of Arizona, to traffic safety and traffic law enforcement purposes, the  
23 department of public safety shall:

24 1. Maintain a strict account of all costs incurred by each  
25 function of the department. Such costs shall be determined and allocated  
26 between traffic safety or traffic law enforcement functions and all other  
27 departmental functions and shall include such costs as wages or salaries,  
28 materials or supplies and equipment or facility use.

29 2. Immediately following the determination of all such costs,  
30 certify to the GOVERNOR'S office of strategic planning and budgeting the  
31 full amount of all such costs relating to the various functions within  
32 the department.

33 J. The GOVERNOR'S office of strategic planning and budgeting shall  
34 annually submit a separate report to the legislature compiled from the  
35 ~~department's~~ DEPARTMENT OF PUBLIC SAFETY'S functional costs certification  
36 indicating the complete breakdown between those costs ~~which~~ THAT are  
37 related to traffic safety or traffic law enforcement functions and the  
38 various other functions within the department OF PUBLIC SAFETY. The  
39 director of the department of administration shall include within the  
40 director's annual report to the legislature a recommendation for a  
41 separate appropriation to reimburse the state highway fund from the state  
42 general fund for any expenditures from the state highway fund during the  
43 prior fiscal year in excess of the total of all costs related to traffic  
44 safety or traffic law enforcement functions of the department OF PUBLIC  
45 SAFETY.

1 K. The director shall establish a special hazardous materials  
2 emergency response organizational unit within the department to function  
3 as the initial response element of the hazardous materials emergency  
4 management program pursuant to section 49-123.

5 L. The department is designated as this state's recipient of  
6 federal victims of crime act grants.

7 M. THE DIRECTOR SHALL ESTABLISH A CENTER FOR SCHOOL SAFETY IN THE  
8 ARIZONA COUNTER TERRORISM INFORMATION CENTER. THE CENTER FOR SCHOOL  
9 SAFETY SHALL:

10 1. ESTABLISH A SAFE SCHOOLS HOTLINE PROGRAM THAT ALLOWS ANY PERSON  
11 TO ANONYMOUSLY REPORT ANY DANGEROUS, VIOLENT OR UNLAWFUL ACTIVITY THAT IS  
12 BEING CONDUCTED OR IS THREATENED TO BE CONDUCTED ON A SCHOOL CAMPUS, ON  
13 SCHOOL TRANSPORTATION OR AT A SCHOOL-SPONSORED EVENT OR A SCHOOL-RELATED  
14 ACTIVITY. THE DIRECTOR SHALL ESTABLISH POLICIES AND PROCEDURES TO PROTECT  
15 THE IDENTITY OF ANY PERSON SUBMITTING INFORMATION OR A REPORT THAT IS  
16 BASED ON A GOOD FAITH BELIEF THAT THE INFORMATION IS TRUE. INFORMATION  
17 THAT IS REPORTED PURSUANT TO THIS PARAGRAPH IS CONFIDENTIAL AND DOES NOT  
18 CONSTITUTE A PUBLIC RECORD. THE PROGRAM AND THE PERSONS IMPLEMENTING OR  
19 OPERATING THE PROGRAM MAY BE COMPELLED TO DISCLOSE INFORMATION REPORTED  
20 PURSUANT TO THIS PARAGRAPH OR PRODUCE RELATED MATERIALS ONLY BEFORE A  
21 COURT AND PURSUANT TO A COURT ORDER. ANY SUCH REVIEW SHALL BE LIMITED TO  
22 AN INSPECTION OF MATERIALS THAT ARE MATERIAL TO THE SPECIFIC CASE PENDING  
23 BEFORE THE COURT. THE ATTORNEY GENERAL ACTING ON BEHALF OF THE DEPARTMENT  
24 OF PUBLIC SAFETY HAS STANDING IN ANY ACTION TO OPPOSE THE DISCLOSURE OF  
25 INFORMATION OR MATERIALS THAT ARE IN THE CUSTODY OF THE CENTER FOR SCHOOL  
26 SAFETY AND THAT ARE CONFIDENTIAL PURSUANT TO THIS PARAGRAPH.

27 2. COORDINATE WITH THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS,  
28 CHARTER SCHOOLS AND LOCAL LAW ENFORCEMENT AGENCIES TO ENSURE THE SAFETY  
29 OF SCHOOLS IN THIS STATE AND DEVELOP AND PROVIDE INFORMATION TO SCHOOL  
30 DISTRICTS AND CHARTER SCHOOLS ON BEST PRACTICES FOR SCHOOL SECURITY AND  
31 TRAINING ON SCHOOL SAFETY.

32 Sec. 14. Section 41-1715, Arizona Revised Statutes, is amended to  
33 read:

34 41-1715. Department of public safety reserve

35 The director may provide for a volunteer organization to be known as  
36 the department of public safety reserve, which ~~organization shall consist~~  
37 CONSISTS of United States citizens who are residents of ~~the~~ THIS state ~~of~~  
38 ~~Arizona~~ and who ~~shall~~ render auxiliary support, without compensation, to  
39 the department as the director may prescribe. This organization may  
40 consist of volunteers who are peace officers and volunteers who are not  
41 peace officers. PERSONS SERVING AS SWORN PEACE OFFICERS IN THIS  
42 ORGANIZATION MAY BE ASSIGNED TO ASSIST WITH THE SAFETY AND SECURITY OF  
43 SCHOOL DISTRICTS AND CHARTER SCHOOLS THROUGHOUT THIS STATE.

1           Sec. 15. Section 41-1750, Arizona Revised Statutes, is amended to  
2 read:

3           41-1750. Central state repository; department of public  
4   safety; duties; funds; accounts; definitions

5           A. The department is responsible for the effective operation of the  
6 central state repository in order to collect, store and disseminate  
7 complete and accurate Arizona criminal history records and related  
8 criminal justice information. The department shall:

9           1. Procure from all criminal justice agencies in this state  
10 accurate and complete personal identification data, fingerprints, charges,  
11 process control numbers and dispositions and such other information as may  
12 be pertinent to all persons who have been charged with, arrested for,  
13 convicted of or summoned to court as a criminal defendant for a felony  
14 offense or an offense involving domestic violence as defined in section  
15 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

16           2. Collect information concerning the number and nature of offenses  
17 known to have been committed in this state and of the legal steps taken in  
18 connection with these offenses, such other information that is useful in  
19 the study of crime and in the administration of criminal justice and all  
20 other information deemed necessary to operate the statewide uniform crime  
21 reporting program and to cooperate with the federal government uniform  
22 crime reporting program.

23           3. Collect information concerning criminal offenses that manifest  
24 evidence of prejudice based on race, color, religion, national origin,  
25 sexual orientation, gender or disability.

26           4. Cooperate with the central state repositories in other states  
27 and with the appropriate agency of the federal government in the exchange  
28 of information pertinent to violators of the law.

29           5. Ensure the rapid exchange of information concerning the  
30 commission of crime and the detection of violators of the law among the  
31 criminal justice agencies of other states and of the federal government.

32           6. Furnish assistance to peace officers throughout this state in  
33 crime scene investigation for the detection of latent fingerprints and in  
34 the comparison of latent fingerprints.

35           7. Conduct periodic operational audits of the central state  
36 repository and of a representative sample of other agencies that  
37 contribute records to or receive criminal justice information from the  
38 central state repository or through the Arizona criminal justice  
39 information system.

40           8. Establish and enforce the necessary physical and system  
41 safeguards to ensure that the criminal justice information maintained and  
42 disseminated by the central state repository or through the Arizona  
43 criminal justice information system is appropriately protected from  
44 unauthorized inquiry, modification, destruction or dissemination as  
45 required by this section.

1           9. Aid and encourage coordination and cooperation among criminal  
2 justice agencies through the statewide and interstate exchange of criminal  
3 justice information.

4           10. Provide training and proficiency testing on the use of criminal  
5 justice information to agencies receiving information from the central  
6 state repository or through the Arizona criminal justice information  
7 system.

8           11. Operate and maintain the Arizona automated fingerprint  
9 identification system established by section 41-2411.

10          12. Provide criminal history record information to the  
11 fingerprinting division for the purpose of screening applicants for  
12 fingerprint clearance cards.

13          B. The director may establish guidelines for the submission and  
14 retention of criminal justice information as deemed useful for the study  
15 or prevention of crime and for the administration of criminal justice.

16          C. The chief officers of criminal justice agencies of this state or  
17 its political subdivisions shall provide to the central state repository  
18 fingerprints and information concerning personal identification data,  
19 descriptions, crimes for which persons are arrested, process control  
20 numbers and dispositions and such other information as may be pertinent to  
21 all persons who have been charged with, arrested for, convicted of or  
22 summoned to court as criminal defendants for felony offenses or offenses  
23 involving domestic violence as defined in section 13-3601 or violations of  
24 title 13, chapter 14 or title 28, chapter 4 that have occurred in this  
25 state.

26          D. The chief officers of law enforcement agencies of this state or  
27 its political subdivisions shall provide to the department such  
28 information as necessary to operate the statewide uniform crime reporting  
29 program and to cooperate with the federal government uniform crime  
30 reporting program.

31          E. The chief officers of criminal justice agencies of this state or  
32 its political subdivisions shall comply with the training and proficiency  
33 testing guidelines as required by the department to comply with the  
34 federal national crime information center mandates.

35          F. The chief officers of criminal justice agencies of this state or  
36 its political subdivisions also shall provide to the department  
37 information concerning crimes that manifest evidence of prejudice based on  
38 race, color, religion, national origin, sexual orientation, gender or  
39 disability.

40          G. The director shall authorize the exchange of criminal justice  
41 information between the central state repository, or through the Arizona  
42 criminal justice information system, whether directly or through any  
43 intermediary, only as follows:

44            1. With criminal justice agencies of the federal government, Indian  
45 tribes, this state or its political subdivisions and other states, on

1 request by the chief officers of such agencies or their designated  
2 representatives, specifically for the purposes of the administration of  
3 criminal justice and for evaluating the fitness of current and prospective  
4 criminal justice employees.

5 2. With any noncriminal justice agency pursuant to a statute,  
6 ordinance or executive order that specifically authorizes the noncriminal  
7 justice agency to receive criminal history record information for the  
8 purpose of evaluating the fitness of current or prospective licensees,  
9 employees, contract employees or volunteers, on submission of the  
10 subject's fingerprints and the prescribed fee. Each statute, ordinance,  
11 or executive order that authorizes noncriminal justice agencies to receive  
12 criminal history record information for these purposes shall identify the  
13 specific categories of licensees, employees, contract employees or  
14 volunteers, and shall require that fingerprints of the specified  
15 individuals be submitted in conjunction with such requests for criminal  
16 history record information.

17 3. With the board of fingerprinting for the purpose of conducting  
18 good cause exceptions pursuant to section 41-619.55 and central registry  
19 exceptions pursuant to section 41-619.57.

20 4. With any individual for any lawful purpose on submission of the  
21 subject of record's fingerprints and the prescribed fee.

22 5. With the governor, if the governor elects to become actively  
23 involved in the investigation of criminal activity or the administration  
24 of criminal justice in accordance with the governor's constitutional duty  
25 to ensure that the laws are faithfully executed or as needed to carry out  
26 the other responsibilities of the governor's office.

27 6. With regional computer centers that maintain authorized  
28 computer-to-computer interfaces with the department, that are criminal  
29 justice agencies or under the management control of a criminal justice  
30 agency and that are established by a statute, ordinance or executive order  
31 to provide automated data processing services to criminal justice agencies  
32 specifically for the purposes of the administration of criminal justice or  
33 evaluating the fitness of regional computer center employees who have  
34 access to the Arizona criminal justice information system and the national  
35 crime information center system.

36 7. With an individual who asserts a belief that criminal history  
37 record information relating to the individual is maintained by an agency  
38 or in an information system in this state that is subject to this section.  
39 On submission of fingerprints, the individual may review this information  
40 for the purpose of determining its accuracy and completeness by making  
41 application to the agency operating the system. Rules adopted under this  
42 section shall include provisions for administrative review and necessary  
43 correction of any inaccurate or incomplete information. The review and  
44 challenge process authorized by this paragraph is limited to criminal  
45 history record information.

1           8. With individuals and agencies pursuant to a specific agreement  
2 with a criminal justice agency to provide services required for the  
3 administration of criminal justice pursuant to that agreement if the  
4 agreement specifically authorizes access to data, limits the use of data  
5 to purposes for which given and ensures the security and confidentiality  
6 of the data consistent with this section.

7           9. With individuals and agencies for the express purpose of  
8 research, evaluative or statistical activities pursuant to an agreement  
9 with a criminal justice agency if the agreement specifically authorizes  
10 access to data, limits the use of data to research, evaluative or  
11 statistical purposes and ensures the confidentiality and security of the  
12 data consistent with this section.

13           10. With the auditor general for audit purposes.

14           11. With central state repositories of other states for noncriminal  
15 justice purposes for dissemination in accordance with the laws of those  
16 states.

17           12. On submission of the fingerprint card, with the department of  
18 child safety and a tribal social services agency to provide criminal  
19 history record information on prospective adoptive parents for the purpose  
20 of conducting the preadoption certification investigation under title 8,  
21 chapter 1, article 1 if the department of economic security is conducting  
22 the investigation, or with an agency or a person appointed by the court,  
23 if the agency or person is conducting the investigation. Information  
24 received under this paragraph shall only be used for the purposes of the  
25 preadoption certification investigation.

26           13. With the department of child safety, a tribal social services  
27 agency and the superior court for the purpose of evaluating the fitness of  
28 custodians or prospective custodians of juveniles, including parents,  
29 relatives and prospective guardians. Information received under this  
30 paragraph shall only be used for the purposes of that evaluation. The  
31 information shall be provided on submission of either:

32           (a) The fingerprint card.

33           (b) The name, date of birth and social security number of the  
34 person.

35           14. On submission of a fingerprint card, provide criminal history  
36 record information to the superior court for the purpose of evaluating the  
37 fitness of investigators appointed under section 14-5303 or 14-5407,  
38 guardians appointed under section 14-5206 or 14-5304 or conservators  
39 appointed under section 14-5401.

40           15. With the supreme court to provide criminal history record  
41 information on prospective fiduciaries pursuant to section 14-5651.

42           16. With the department of juvenile corrections to provide criminal  
43 history record information pursuant to section 41-2814.

44           17. On submission of the fingerprint card, provide criminal history  
45 record information to the Arizona peace officer standards and training



1 board or a board certified law enforcement academy to evaluate the fitness  
2 of prospective cadets.

3 18. With the internet sex offender website database established  
4 pursuant to section 13-3827.

5 19. With licensees of the United States nuclear regulatory  
6 commission for the purpose of determining whether an individual should be  
7 granted unescorted access to the protected area of a commercial nuclear  
8 generating station on submission of the subject of record's fingerprints  
9 and the prescribed fee.

10 20. With the department of education for the purpose of evaluating  
11 the fitness of a certificated teacher or administrator or an applicant for  
12 a teaching or an administrative certificate provided that the department  
13 of education or its employees or agents have reasonable suspicion that the  
14 certificated person engaged in conduct that would be a criminal violation  
15 of the laws of this state or was involved in immoral or unprofessional  
16 conduct or that the applicant engaged in conduct that would warrant  
17 disciplinary action if the applicant were certificated at the time of the  
18 alleged conduct. The information shall be provided on the submission of  
19 either:

20 (a) The fingerprint card.

21 (b) The name, date of birth and social security number of the  
22 person.

23 21. With each school district and charter school in this state.  
24 The state board of education and the state board for charter schools shall  
25 provide the department of public safety with a current list of e-mail  
26 addresses for each school district and charter school in this state and  
27 shall periodically provide the department of public safety with updated  
28 e-mail addresses. If the department of public safety is notified that a  
29 person who is required to have a fingerprint clearance card to be employed  
30 by or to engage in volunteer activities at a school district or charter  
31 school has been arrested for or convicted of an offense listed in section  
32 41-1758.03, subsection B or has been arrested for or convicted of an  
33 offense that amounts to unprofessional conduct under section 15-550, the  
34 department of public safety shall notify each school district and charter  
35 school in this state that the person's fingerprint clearance card has been  
36 suspended or revoked.

37 22. With a tribal social services agency and the department of  
38 child safety as provided by law, which currently is the Adam Walsh child  
39 protection and safety act of 2006 (42 United States Code section 16961),  
40 for the purposes of investigating or responding to reports of child abuse,  
41 neglect or exploitation. Information received pursuant to this paragraph  
42 from the national crime information center, the interstate identification  
43 index and the Arizona criminal justice information system network shall  
44 only be used for the purposes of investigating or responding as prescribed

1 in this paragraph. The information shall be provided on submission to the  
2 department of public safety of either:

3 (a) The fingerprints of the person being investigated.

4 (b) The name, date of birth and social security number of the  
5 person.

6 23. With a nonprofit organization that interacts with children or  
7 vulnerable adults for the lawful purpose of evaluating the fitness of all  
8 current and prospective employees, contractors and volunteers of the  
9 organization. The criminal history record information shall be provided  
10 on submission of the applicant fingerprint card and the prescribed fee.

11 24. With the superior court for the purpose of determining an  
12 individual's eligibility for substance abuse and treatment courts in a  
13 family or juvenile case.

14 25. With the governor to provide criminal history record  
15 information on prospective gubernatorial nominees, appointees and  
16 employees as provided by law.

17 H. The director shall adopt rules necessary to execute this  
18 section.

19 I. The director, in the manner prescribed by law, shall remove and  
20 destroy records that the director determines are no longer of value in the  
21 detection or prevention of crime.

22 J. The director shall establish a fee in an amount necessary to  
23 cover the cost of federal noncriminal justice fingerprint processing for  
24 criminal history record information checks that are authorized by law for  
25 noncriminal justice employment, licensing or other lawful purposes. An  
26 additional fee may be charged by the department for state noncriminal  
27 justice fingerprint processing. Fees submitted to the department for  
28 state noncriminal justice fingerprint processing are not refundable.

29 K. The director shall establish a fee in an amount necessary to  
30 cover the cost of processing copies of department reports, eight by ten  
31 inch black and white photographs or eight by ten inch color photographs of  
32 traffic accident scenes.

33 L. Except as provided in subsection 0 of this section, each agency  
34 authorized by this section may charge a fee, in addition to any other fees  
35 prescribed by law, in an amount necessary to cover the cost of state and  
36 federal noncriminal justice fingerprint processing for criminal history  
37 record information checks that are authorized by law for noncriminal  
38 justice employment, licensing or other lawful purposes.

39 M. A fingerprint account within the records processing fund is  
40 established for the purpose of separately accounting for the collection  
41 and payment of fees for noncriminal justice fingerprint processing by the  
42 department. Monies collected for this purpose shall be credited to the  
43 account, and payments by the department to the United States for federal  
44 noncriminal justice fingerprint processing shall be charged against the  
45 account. Monies in the account not required for payment to the United

1 States shall be used by the department in support of the department's  
2 noncriminal justice fingerprint processing duties. At the end of each  
3 fiscal year, any balance in the account not required for payment to the  
4 United States or to support the department's noncriminal justice  
5 fingerprint processing duties reverts to the state general fund.

6 N. A records processing fund is established for the purpose of  
7 separately accounting for the collection and payment of fees for  
8 department reports and photographs of traffic accident scenes processed by  
9 the department. Monies collected for this purpose shall be credited to  
10 the fund and shall be used by the department in support of functions  
11 related to providing copies of department reports and photographs. At the  
12 end of each fiscal year, any balance in the fund not required for support  
13 of the functions related to providing copies of department reports and  
14 photographs reverts to the state general fund.

15 O. The department of child safety may pay from appropriated monies  
16 the cost of federal fingerprint processing or federal criminal history  
17 record information checks that are authorized by law for employees and  
18 volunteers of the department, guardians pursuant to section 8-453,  
19 subsection A, paragraph 6, the licensing of foster parents or the  
20 certification of adoptive parents.

21 P. The director shall adopt rules that provide for:

22 1. The collection and disposition of fees pursuant to this section.

23 2. The refusal of service to those agencies that are delinquent in  
24 paying these fees.

25 Q. The director shall ensure that the following limitations are  
26 observed regarding dissemination of criminal justice information obtained  
27 from the central state repository or through the Arizona criminal justice  
28 information system:

29 1. Any criminal justice agency that obtains criminal justice  
30 information from the central state repository or through the Arizona  
31 criminal justice information system assumes responsibility for the  
32 security of the information and shall not secondarily disseminate this  
33 information to any individual or agency not authorized to receive this  
34 information directly from the central state repository or originating  
35 agency.

36 2. Dissemination to an authorized agency or individual may be  
37 accomplished by a criminal justice agency only if the dissemination is for  
38 criminal justice purposes in connection with the prescribed duties of the  
39 agency and not in violation of this section.

40 3. Criminal history record information disseminated to noncriminal  
41 justice agencies or to individuals shall be used only for the purposes for  
42 which it was given. Secondary dissemination is prohibited unless  
43 otherwise authorized by law.

1           4. The existence or nonexistence of criminal history record  
2 information shall not be confirmed to any individual or agency not  
3 authorized to receive the information itself.

4           5. Criminal history record information to be released for  
5 noncriminal justice purposes to agencies of other states shall only be  
6 released to the central state repositories of those states for  
7 dissemination in accordance with the laws of those states.

8           6. Criminal history record information shall be released to  
9 noncriminal justice agencies of the federal government pursuant to the  
10 terms of the federal security clearance information act (P.L. 99-169).

11           R. This section and the rules adopted under this section apply to  
12 all agencies and individuals collecting, storing or disseminating criminal  
13 justice information processed by manual or automated operations if the  
14 collection, storage or dissemination is funded in whole or in part with  
15 monies made available by the law enforcement assistance administration  
16 after July 1, 1973, pursuant to title I of the crime control act of 1973,  
17 and to all agencies that interact with or receive criminal justice  
18 information from or through the central state repository and through the  
19 Arizona criminal justice information system.

20           S. This section does not apply to criminal history record  
21 information contained in:

22           1. Posters, arrest warrants, announcements or lists for identifying  
23 or apprehending fugitives or wanted persons.

24           2. Original records of entry such as police blotters maintained by  
25 criminal justice agencies, compiled chronologically and required by law or  
26 long-standing custom to be made public if these records are organized on a  
27 chronological basis.

28           3. Transcripts or records of judicial proceedings if released by a  
29 court or legislative or administrative proceedings.

30           4. Announcements of executive clemency or pardon.

31           5. Computer databases, other than the Arizona criminal justice  
32 information system, that are specifically designed for community  
33 notification of an offender's presence in the community pursuant to  
34 section 13-3825 or for public informational purposes authorized by section  
35 13-3827.

36           T. Nothing in this section prevents a criminal justice agency from  
37 disclosing to the public criminal history record information that is  
38 reasonably contemporaneous to the event for which an individual is  
39 currently within the criminal justice system, including information noted  
40 on traffic accident reports concerning citations, blood alcohol tests or  
41 arrests made in connection with the traffic accident being investigated.

42           U. In order to ensure that complete and accurate criminal history  
43 record information is maintained and disseminated by the central state  
44 repository:

1           1. The booking agency shall take legible ten-print fingerprints of  
2 all persons who are arrested for offenses listed in subsection C of this  
3 section. The booking agency shall obtain a process control number and  
4 provide to the person fingerprinted a document that indicates proof of the  
5 fingerprinting and that informs the person that the document must be  
6 presented to the court.

7           2. Except as provided in paragraph 3 of this subsection, if a  
8 person is summoned to court as a result of an indictment or complaint for  
9 an offense listed in subsection C of this section, the court shall order  
10 the person to appear before the county sheriff and provide legible  
11 ten-print fingerprints. The county sheriff shall obtain a process control  
12 number and provide a document to the person fingerprinted that indicates  
13 proof of the fingerprinting and that informs the person that the document  
14 must be presented to the court. For the purposes of this paragraph,  
15 "summoned" includes a written promise to appear by the defendant on a  
16 uniform traffic ticket and complaint.

17           3. If a person is arrested for a misdemeanor offense listed in  
18 subsection C of this section by a city or town law enforcement agency, the  
19 person shall appear before the law enforcement agency that arrested the  
20 defendant and provide legible ten-print fingerprints. The law enforcement  
21 agency shall obtain a process control number and provide a document to the  
22 person fingerprinted that indicates proof of the fingerprinting and that  
23 informs the person that the document must be presented to the court.

24           4. The mandatory fingerprint compliance form shall contain the  
25 following information:

26           (a) Whether ten-print fingerprints have been obtained from the  
27 person.

28           (b) Whether a process control number was obtained.

29           (c) The offense or offenses for which the process control number  
30 was obtained.

31           (d) Any report number of the arresting authority.

32           (e) Instructions on reporting for ten-print fingerprinting,  
33 including available times and locations for reporting for ten-print  
34 fingerprinting.

35           (f) Instructions that direct the person to provide the form to the  
36 court at the person's next court appearance.

37           5. Within ten days after a person is fingerprinted, the arresting  
38 authority or agency that took the fingerprints shall forward the  
39 fingerprints to the department in the manner or form required by the  
40 department.

41           6. On the issuance of a summons for a defendant who is charged with  
42 an offense listed in subsection C of this section, the summons shall  
43 direct the defendant to provide ten-print fingerprints to the appropriate  
44 law enforcement agency.

1           7. At the initial appearance or on the arraignment of a summoned  
2 defendant who is charged with an offense listed in subsection C of this  
3 section, if the person does not present a completed mandatory fingerprint  
4 compliance form to the court or if the court has not received the process  
5 control number, the court shall order that within twenty calendar days the  
6 defendant be ten-print fingerprinted at a designated time and place by the  
7 appropriate law enforcement agency.

8           8. If the defendant fails to present a completed mandatory  
9 fingerprint compliance form or if the court has not received the process  
10 control number, the court, on its own motion, may remand the defendant  
11 into custody for ten-print fingerprinting. If otherwise eligible for  
12 release, the defendant shall be released from custody after being  
13 ten-print fingerprinted.

14           9. In every criminal case in which the defendant is incarcerated or  
15 fingerprinted as a result of the charge, an originating law enforcement  
16 agency or prosecutor, within forty days of the disposition, shall advise  
17 the central state repository of all dispositions concerning the  
18 termination of criminal proceedings against an individual arrested for an  
19 offense specified in subsection C of this section. This information shall  
20 be submitted on a form or in a manner required by the department. IF THE  
21 ORIGINATING LAW ENFORCEMENT AGENCY OR PROSECUTOR HAS A DATA EXCHANGE  
22 SYSTEM THAT ALLOWS THE ELECTRONIC TRANSFER AND SUBMISSION OF CRIMINAL  
23 HISTORY RECORD INFORMATION TO THE ARIZONA COMPUTERIZED CRIMINAL HISTORY  
24 REPOSITORY, THE LAW ENFORCEMENT AGENCY, PROSECUTOR OR COURT SHALL  
25 ELECTRONICALLY SUBMIT DISPOSITION INFORMATION TO THE REPOSITORY WITHIN  
26 TWENTY-FOUR HOURS AFTER VERIFYING THE ACCURACY OF THE INFORMATION.

27           10. Dispositions resulting from formal proceedings in a court  
28 having jurisdiction in a criminal action against an individual who is  
29 arrested for an offense specified in subsection C of this section or  
30 section 8-341, subsection V, paragraph 3 shall be reported to the central  
31 state repository within forty days of the date of the disposition. This  
32 information shall be submitted on a form or in a manner specified by rules  
33 approved by the supreme court.

34           11. The state department of corrections or the department of  
35 juvenile corrections, within forty days, shall advise the central state  
36 repository that it has assumed supervision of a person convicted of an  
37 offense specified in subsection C of this section or section 8-341,  
38 subsection V, paragraph 3. The state department of corrections or the  
39 department of juvenile corrections shall also report dispositions that  
40 occur thereafter to the central state repository within forty days of the  
41 date of the dispositions. This information shall be submitted on a form  
42 or in a manner required by the department of public safety.

43           12. Each criminal justice agency shall query the central state  
44 repository before dissemination of any criminal history record information  
45 to ensure the completeness of the information. Inquiries shall be made

1 before any dissemination except in those cases in which time is of the  
2 essence and the repository is technically incapable of responding within  
3 the necessary time period. If time is of the essence, the inquiry shall  
4 still be made and the response shall be provided as soon as possible.

5 V. The director shall adopt rules specifying that any agency that  
6 collects, stores or disseminates criminal justice information that is  
7 subject to this section shall establish effective security measures to  
8 protect the information from unauthorized access, disclosure, modification  
9 or dissemination. The rules shall include reasonable safeguards to  
10 protect the affected information systems from fire, flood, wind, theft,  
11 sabotage or other natural or man-made hazards or disasters.

12 W. The department shall make available to agencies that contribute  
13 to, or receive criminal justice information from, the central state  
14 repository or through the Arizona criminal justice information system a  
15 continuing training program in the proper methods for collecting, storing  
16 and disseminating information in compliance with this section.

17 X. Nothing in this section creates a cause of action or a right to  
18 bring an action including an action based on discrimination due to sexual  
19 orientation.

20 Y. For the purposes of this section:

21 1. "Administration of criminal justice" means performance of the  
22 detection, apprehension, detention, pretrial release, posttrial release,  
23 prosecution, adjudication, correctional supervision or rehabilitation of  
24 criminal offenders. Administration of criminal justice includes  
25 enforcement of criminal traffic offenses and civil traffic violations,  
26 including parking violations, when performed by a criminal justice agency.  
27 Administration of criminal justice also includes criminal identification  
28 activities and the collection, storage and dissemination of criminal  
29 history record information.

30 2. "Administrative records" means records that contain adequate and  
31 proper documentation of the organization, functions, policies, decisions,  
32 procedures and essential transactions of the agency and that are designed  
33 to furnish information to protect the rights of this state and of persons  
34 directly affected by the agency's activities.

35 3. "Arizona criminal justice information system" or "system" means  
36 the statewide information system managed by the director for the  
37 collection, processing, preservation, dissemination and exchange of  
38 criminal justice information and includes the electronic equipment,  
39 facilities, procedures and agreements necessary to exchange this  
40 information.

41 4. "Booking agency" means the county sheriff or, if a person is  
42 booked into a municipal jail, the municipal law enforcement agency.

43 5. "Central state repository" means the central location within the  
44 department for the collection, storage and dissemination of Arizona  
45 criminal history records and related criminal justice information.

1           6. "Criminal history record information" and "criminal history  
2 record" means information that is collected by criminal justice agencies  
3 on individuals and that consists of identifiable descriptions and  
4 notations of arrests, detentions, indictments and other formal criminal  
5 charges, and any disposition arising from those actions, sentencing,  
6 formal correctional supervisory action and release. Criminal history  
7 record information and criminal history record do not include  
8 identification information to the extent that the information does not  
9 indicate involvement of the individual in the criminal justice system or  
10 information relating to juveniles unless they have been adjudicated as  
11 adults.

12           7. "Criminal justice agency" means either:

13           (a) A court at any governmental level with criminal or equivalent  
14 jurisdiction, including courts of any foreign sovereignty duly recognized  
15 by the federal government.

16           (b) A government agency or subunit of a government agency that is  
17 specifically authorized to perform as its principal function the  
18 administration of criminal justice pursuant to a statute, ordinance or  
19 executive order and that allocates more than fifty percent of its annual  
20 budget to the administration of criminal justice. This subdivision  
21 includes agencies of any foreign sovereignty duly recognized by the  
22 federal government.

23           8. "Criminal justice information" means information that is  
24 collected by criminal justice agencies and that is needed for the  
25 performance of their legally authorized and required functions, such as  
26 criminal history record information, citation information, stolen property  
27 information, traffic accident reports, wanted persons information and  
28 system network log searches. Criminal justice information does not  
29 include the administrative records of a criminal justice agency.

30           9. "Disposition" means information disclosing that a decision has  
31 been made not to bring criminal charges or that criminal proceedings have  
32 been concluded or information relating to sentencing, correctional  
33 supervision, release from correctional supervision, the outcome of an  
34 appellate review of criminal proceedings or executive clemency.

35           10. "Dissemination" means the written, oral or electronic  
36 communication or transfer of criminal justice information to individuals  
37 and agencies other than the criminal justice agency that maintains the  
38 information. Dissemination includes the act of confirming the existence  
39 or nonexistence of criminal justice information.

40           11. "Management control":

41           (a) Means the authority to set and enforce:

42           (i) Priorities regarding development and operation of criminal  
43 justice information systems and programs.

44           (ii) Standards for the selection, supervision and termination of  
45 personnel involved in the development of criminal justice information



1 systems and programs and in the collection, maintenance, analysis and  
2 dissemination of criminal justice information.

3 (iii) Policies governing the operation of computers, circuits and  
4 telecommunications terminals used to process criminal justice information  
5 to the extent that the equipment is used to process, store or transmit  
6 criminal justice information.

7 (b) Includes the supervision of equipment, systems design,  
8 programming and operating procedures necessary for the development and  
9 implementation of automated criminal justice information systems.

10 12. "Process control number" means the Arizona automated  
11 fingerprint identification system number that attaches to each arrest  
12 event at the time of fingerprinting and that is assigned to the arrest  
13 fingerprint card, disposition form and other pertinent documents.

14 13. "Secondary dissemination" means the dissemination of criminal  
15 justice information from an individual or agency that originally obtained  
16 the information from the central state repository or through the Arizona  
17 criminal justice information system to another individual or agency.

18 14. "Sexual orientation" means consensual homosexuality or  
19 heterosexuality.

20 15. "Subject of record" means the person who is the primary subject  
21 of a criminal justice record.

22 Sec. 16. Section 41-1822, Arizona Revised Statutes, is amended to  
23 read:

24 41-1822. Powers and duties of board; definition

25 A. With respect to peace officer training and certification, the  
26 board shall:

27 1. Establish rules for the government and conduct of the board,  
28 including meeting times and places and matters to be placed on the agenda  
29 of each meeting.

30 2. Make recommendations, consistent with this article, to the  
31 governor, the speaker of the house of representatives and the president of  
32 the senate on all matters relating to law enforcement and public safety.

33 3. Prescribe reasonable minimum qualifications for officers to be  
34 appointed to enforce the laws of this state and the political subdivisions  
35 of this state and certify officers in compliance with these  
36 qualifications. Notwithstanding any other law, the qualifications shall  
37 require United States citizenship, shall relate to physical, mental and  
38 moral fitness and shall govern the recruitment, appointment and retention  
39 of all agents, peace officers and police officers of every political  
40 subdivision of this state. The board shall constantly review the  
41 qualifications established by PURSUANT TO this ~~section~~ SUBSECTION and may  
42 amend the qualifications at any time, subject to the requirements of  
43 section 41-1823.

44 4. Prescribe minimum courses of training and minimum standards for  
45 training facilities for law enforcement officers. Only this state and

1 political subdivisions of this state may conduct basic peace officer  
2 training. Basic peace officer academies may admit individuals who are not  
3 peace officer cadets only if a cadet meets the minimum qualifications  
4 established by PURSUANT TO paragraph 3 of this subsection. Training shall  
5 include:

6 (a) Courses in responding to and reporting all criminal offenses  
7 that are motivated by race, color, religion, national origin, sexual  
8 orientation, gender or disability.

9 (b) Training certified by the director of the department of health  
10 services with assistance from a representative of the board on the nature  
11 of unexplained infant death and the handling of cases involving the  
12 unexplained death of an infant.

13 (c) Medical information on unexplained infant death for first  
14 responders, including awareness and sensitivity in dealing with families  
15 and child care providers, and the importance of forensically competent  
16 death scene investigations.

17 (d) Information on the protocol of investigation in cases of an  
18 unexplained infant death, including the importance of a consistent policy  
19 of thorough death scene investigation.

20 (e) The use of the infant death investigation checklist pursuant to  
21 section 36-3506.

22 (f) If an unexplained infant death occurs, the value of timely  
23 communication between the medical examiner's office, the department of  
24 health services and appropriate social service agencies that address the  
25 issue of infant death and bereavement, to achieve a better understanding  
26 of these deaths and to connect families to various community and public  
27 health support systems to enhance recovery from grief.

28 5. Recommend curricula for advanced courses and seminars in law  
29 enforcement and intelligence training in universities, colleges and  
30 community colleges, in conjunction with the governing body of the  
31 educational institution.

32 6. Make inquiries to determine whether this state or political  
33 subdivisions of this state are adhering to the standards for recruitment,  
34 appointment, retention and training established pursuant to this article.  
35 The failure of this state or any political subdivision to adhere to the  
36 standards shall be reported at the next regularly scheduled meeting of the  
37 board for action deemed appropriate by that body.

38 7. PRESCRIBE TRAINING FOR ALL LAW ENFORCEMENT OFFICERS AND JUVENILE  
39 PROBATION OFFICERS WHO PARTICIPATE IN A SCHOOL RESOURCE OFFICER PROGRAM.  
40 AT A MINIMUM, THE TRAINING SHALL INCLUDE INFORMATION ON SCHOOL SAFETY AND  
41 EMERGENCY RESPONSE PLANS, THREAT RESPONSES AND SCHOOL LAWS. THE TRAINING  
42 SHALL INCLUDE VIRTUAL OR SIMULATED ACTIVE SHOOTER TRAINING THAT IS  
43 SPECIFIC TO SCHOOL SCENARIOS.

1           ~~7.~~ 8. Employ an executive director and other staff as are  
2 necessary to fulfill the powers and duties of the board in accordance with  
3 the requirements of the law enforcement merit system council.

4           B. With respect to state department of corrections correctional  
5 officers, the board shall:

6           1. Approve a basic training curriculum of at least two hundred  
7 forty hours.

8           2. Establish uniform minimum standards. These standards shall  
9 include high school graduation or the equivalent and a physical  
10 examination as prescribed by the director of the state department of  
11 corrections.

12           3. Establish uniform standards for background investigations,  
13 including criminal histories under section 41-1750, of all applicants  
14 before enrolling in the academy. The board may adopt special procedures  
15 for extended screening and investigations in extraordinary cases to ensure  
16 suitability and adaptability to a career as a correctional officer.

17           4. Issue a certificate of completion to any state department of  
18 corrections correctional officer who satisfactorily complies with the  
19 minimum standards and completes the basic training program. The board may  
20 issue a certificate of completion to a state department of corrections  
21 correctional officer who has received comparable training in another state  
22 if the board determines that the training was at least equivalent to that  
23 provided by the academy and if the person complies with the minimum  
24 standards.

25           5. Establish continuing training requirements and approve  
26 curricula.

27           C. With respect to peace officer misconduct, the board may:

28           1. Receive complaints of peace officer misconduct from any person,  
29 request law enforcement agencies to conduct investigations and conduct  
30 independent investigations into whether an officer is in compliance with  
31 the qualifications established pursuant to subsection A, paragraph 3 of  
32 this section.

33           2. Receive a complaint of peace officer misconduct from the  
34 president or chief executive officer of a ~~board-recognized~~  
35 **BOARD-RECOGNIZED** law enforcement association that represents the interests  
36 of certified law enforcement officers if the association believes that a  
37 law enforcement agency refused to investigate or made findings that are  
38 contradictory to prima facie evidence of a violation of the qualifications  
39 established pursuant to subsection A, paragraph 3 of this section. If the  
40 board finds that the law enforcement agency refused to investigate or made  
41 findings that contradicted prima facie evidence of a violation of the  
42 qualifications established pursuant to subsection A, paragraph 3 of this  
43 section, the board shall conduct an independent investigation to determine  
44 whether the officer is in compliance with the qualifications established  
45 pursuant to subsection A, paragraph 3 of this section and provide a letter

1 of the findings based on the investigation conducted by the board to the  
2 president or chief executive officer of the ~~board-recognized~~  
3 **BOARD-RECOGNIZED** law enforcement association who made the complaint.

4 D. The board may:

5 1. Deny, suspend, revoke or cancel the certification of an officer  
6 who is not in compliance with the qualifications established pursuant to  
7 subsection A, paragraph 3 of this section.

8 2. Provide training and related services to assist state, tribal  
9 and local law enforcement agencies to better serve the public.

10 3. Enter into contracts to carry out its powers and duties.

11 E. This section does not create a cause of action or a right to  
12 bring an action, including an action based on discrimination due to sexual  
13 orientation.

14 F. For the purposes of this section, "sexual orientation" means  
15 consensual homosexuality or heterosexuality.

16 Sec. 17. Appropriation; department of public safety; virtual  
17 training equipment

18 The sum of \$392,000 is appropriated from the state general fund in  
19 fiscal year 2018-2019 to the department of public safety to purchase  
20 virtual training equipment to provide training to school resource  
21 officers. The virtual training equipment shall be compatible with virtual  
22 training equipment that is already in use.

23 Sec. 18. Appropriation; department of education; school  
24 resource officers

25 The sum of \$11,000,000 is appropriated from the state general fund  
26 in fiscal year 2018-2019 to the department of education to add more school  
27 resource officers to the school safety program established by section  
28 15-154, Arizona Revised Statutes, as amended by this act.

29 Sec. 19. Appropriation; Arizona health care cost containment  
30 system; mental health first aid training and  
31 behavioral health services in schools

32 A. The sum of \$450,000 is appropriated from the state general fund  
33 in fiscal year 2018-2019 to the Arizona health care cost containment  
34 system for mental health first aid training in schools pursuant to section  
35 36-2907.14, paragraph 1, Arizona Revised Statutes, as added by this act.

36 B. The sum of \$3,000,000 is appropriated from the state general  
37 fund in fiscal year 2018-2019 to the Arizona health care cost containment  
38 system for behavioral health services in schools pursuant to section  
39 36-2907.14, paragraph 2, Arizona Revised Statutes, as added by this act.

40 Sec. 20. Appropriation; department of public safety;  
41 expansion of tips and leads portal; exemption

42 A. The sum of \$125,000 is appropriated from the state general fund  
43 in fiscal year 2018-2019 to the department of public safety to expand the  
44 current tips and leads portal to include a campus-specific portal for  
45 schools in this state that will allow for secure and anonymous reporting

1 of information to school administrators, law enforcement agencies and  
2 behavioral health professionals.

3 B. The appropriation made in subsection A of this section is exempt  
4 from the provisions of section 35-190, Arizona Revised Statutes, relating  
5 to lapsing of appropriations, until June 30, 2020.

6 Sec. 21. Appropriation; department of public safety; center  
7 for school safety

8 The sum of \$597,800 is appropriated from the state general fund in  
9 fiscal year 2018-2019 to the department of public safety to establish,  
10 staff and manage the center for school safety established pursuant to  
11 section 41-1711, subsection M, Arizona Revised Statutes, as added by this  
12 act.

13 Sec. 22. Appropriations; Arizona criminal justice commission;  
14 upgrades to the Arizona computerized criminal  
15 history repository; exemption

16 A. Notwithstanding section 41-1758.06, Arizona Revised Statutes,  
17 the sum of \$600,000 is appropriated from the fingerprint clearance card  
18 fund, established by section 41-1758.06, Arizona Revised Statutes, in each  
19 of fiscal years 2018-2019, 2019-2020 and 2020-2021 to the Arizona criminal  
20 justice commission for the purpose of coordinating with the department of  
21 public safety, law enforcement agencies, county attorneys and courts to  
22 develop and implement a data exchange system to allow the electronic  
23 transfer and submission of criminal history record information to the  
24 Arizona computerized criminal history repository within twenty-four  
25 hours. Priority shall be given to entities based on deficiencies in  
26 dispositions and volume of cases.

27 B. The appropriation made in subsection A of this section is exempt  
28 from the provisions of section 35-190, Arizona Revised Statutes, relating  
29 to lapsing of appropriations.

30 Sec. 23. Retroactivity

31 This act applies retroactively to from and after June 30, 2018.