

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

SENATE BILL 1519

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, 15-512, 36-519 AND 36-545.06, 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 RESPONDENT TO A REQUEST FOR AN EMERGENCY SEVERE
12 THREAT ORDER OF 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 REQUEST FOR AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION AND
13 THE ORDER ISSUED MAY BE DISCLOSED ONLY IF THE COURT ISSUES THE EMERGENCY
14 SEVERE THREAT ORDER OF PROTECTION. AFTER A SHOWING OF THE NEED FOR THE
15 INFORMATION AND THAT APPROPRIATE MEASURES WILL BE TAKEN TO LIMIT FURTHER
16 DISCLOSURE OF THE INFORMATION, THE REQUEST AND THE ORDER MAY BE PROVIDED
17 ONLY TO THE PARENT OR LEGAL GUARDIAN OF THE MINOR RESPONDENT, LAW
18 ENFORCEMENT, A JUVENILE PROBATION OFFICER, A BEHAVIORAL HEALTH
19 PROFESSIONAL, A SCHOOL OR SCHOOL DISTRICT THAT THE MINOR RESPONDENT IS
20 ATTENDING OR HAS ATTENDED IN THE YEAR PRECEDING THE DATE OF THE ORDER AND
21 A PERSON WHO HAS BEEN THE NAMED TARGET OF THREATS OR ACTS COMMITTED BY THE
22 MINOR RESPONDENT.

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

25 ARTICLE 5. EMERGENCY SEVERE THREAT ORDER OF PROTECTION

26 12-1881. Definitions

27 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

28 1. "EVALUATION" MEANS A PROFESSIONAL MULTIDISCIPLINARY ANALYSIS OF
29 A PERSON THAT INCLUDES FIRSTHAND OBSERVATIONS OR REMOTE OBSERVATIONS BY
30 INTERACTIVE AUDIOVISUAL MEDIA AND THAT IS BASED ON DATA DESCRIBING THE
31 PERSON'S IDENTITY, BIOGRAPHY AND MEDICAL, PSYCHOLOGICAL AND SOCIAL
32 CONDITIONS CARRIED OUT BY AT LEAST TWO INDIVIDUALS, ONE OF WHOM IS A
33 PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32 AND WHO IS A QUALIFIED
34 PSYCHIATRIST, IF POSSIBLE, OR AT LEAST HAS EXPERIENCE IN PSYCHIATRIC
35 MATTERS OR IS A PSYCHIATRIC NURSE PRACTITIONER AND ONE OF WHOM IS AN
36 INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32 AS A PSYCHOLOGIST,
37 PSYCHIATRIC AND MENTAL HEALTH NURSE PRACTITIONER OR BEHAVIORAL HEALTH
38 PROFESSIONAL AND WHO IS FAMILIAR WITH MENTAL HEALTH AND HUMAN SERVICES
39 THAT MAY PROVIDE PLACEMENT ALTERNATIVES APPROPRIATE FOR TREATMENT.

40 2. "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 OR AN AGENCY THAT PROVIDES PSYCHIATRIC ACUTE CARE SERVICES AS
43 DEFINED IN SECTION 8-271.

44 3. "RESPONDENT" MEANS THE SUBJECT OF AN EMERGENCY SEVERE THREAT
45 ORDER OF PROTECTION.

1 4. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN
2 SECTION 13-105.

3 5. "VIOLENT CRIME" OR "ACT OF VIOLENCE" MEANS ANY CRIMINAL USE OF A
4 DEADLY WEAPON OR DANGEROUS INSTRUMENT THAT RESULTS IN SERIOUS PHYSICAL
5 INJURY OR DEATH.

6 12-1882. Emergency severe threat order of protection;
7 issuance; grounds; detention period; order
8 registration; central repository; responsible
9 custodian

10 A. BEGINNING FROM AND AFTER OCTOBER 31, 2018, A PEACE OFFICER MAY
11 SEEK AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION FROM THE SUPERIOR
12 COURT THAT ALLOWS THE PEACE OFFICER TO TAKE A PERSON INTO CUSTODY IF THE
13 PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON POSES A SIGNIFICANT
14 DANGER OF IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR
15 OTHERS AND IS LIKELY TO SUFFER DEATH OR SERIOUS PHYSICAL INJURY OR CAUSE
16 DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON UNLESS IMMEDIATE ACTION
17 IS TAKEN.

18 B. AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION MAY BE ISSUED
19 ELECTRONICALLY OR BY TELEPHONE AS DETERMINED BY THE SUPREME COURT. AN
20 EMERGENCY SEVERE THREAT ORDER OF PROTECTION MAY BE ISSUED DURING THE HOURS
21 THAT THE COURT IS CLOSED. THE PRESIDING JUDGE OF THE SUPERIOR COURT SHALL
22 MAKE AVAILABLE A SUPERIOR COURT JUDICIAL OFFICER WHO MAY ISSUE AN
23 EMERGENCY SEVERE THREAT ORDER OF PROTECTION.

24 C. THE GROUNDS FOR ISSUING AN EMERGENCY SEVERE THREAT ORDER OF
25 PROTECTION INCLUDE EITHER OF THE FOLLOWING:

26 1. MAKING A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY OR
27 COMMITTING AN ACT OR ATTEMPTED ACT OF VIOLENCE THAT RESULTS IN OR IS
28 INTENDED TO RESULT IN DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS
29 WITHIN THE PRECEDING FOURTEEN DAYS.

30 2. A PATTERN OF MAKING CREDIBLE THREATS OF DEATH OR SERIOUS
31 PHYSICAL INJURY OR COMMITTING ACTS OR ATTEMPTED ACTS OF VIOLENCE THAT
32 RESULT IN DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS WITHIN THE
33 PRECEDING SIX MONTHS.

34 D. A PEACE OFFICER WHO TAKES A PERSON INTO CUSTODY PURSUANT TO AN
35 EMERGENCY SEVERE THREAT ORDER OF PROTECTION SHALL NOTIFY THE RESPONDENT
36 THAT A HEARING SHALL BE HELD TO DETERMINE IF CLEAR AND CONVINCING EVIDENCE
37 EXISTS THAT THE RESPONDENT POSES A SIGNIFICANT DANGER OF CAUSING DEATH OR
38 SERIOUS PHYSICAL INJURY TO SELF OR OTHERS. AT THE HEARING, THE RESPONDENT
39 SHALL HAVE AN OPPORTUNITY TO RESPOND TO ANY ALLEGATIONS MADE AGAINST THE
40 RESPONDENT. IF THE RESPONDENT DECLINES TO HAVE A HEARING, THE PEACE
41 OFFICER SHALL TRANSPORT THE PERSON NAMED IN THE ORDER TO AN EVALUATION
42 AGENCY. THE RESPONDENT SHALL HAVE THE OPPORTUNITY AT AN INITIAL HEARING
43 OR, IF AN INITIAL HEARING WAS DECLINED, AT AN EVALUATION TO MAKE AND
44 COMPLETE UP TO TWO PHONE CALLS. THE RESPONDENT MAY HAVE AN ATTORNEY
45 PRESENT AT ANY HEARING HELD PURSUANT TO THIS ARTICLE. IF THE RESPONDENT

1 IS A MINOR, THE PARENT OR LEGAL GUARDIAN OF THE MINOR SHALL BE IMMEDIATELY
2 NOTIFIED OF THE LOCATION TO WHICH THE MINOR IS BEING TAKEN AND THAT THE
3 MINOR MAY CONSULT AND HAVE AN ATTORNEY PRESENT AT ANY HEARING THAT IS HELD
4 PURSUANT TO THIS ARTICLE. IF THE RESPONDENT IS A MINOR, THE MINOR SHALL
5 BE APPOINTED A GUARDIAN AD LITEM FOR THE PENDENCY OF THE
6 PROCEEDINGS. WITHIN SEVENTY-TWO HOURS AFTER THE RESPONDENT IS ADMITTED,
7 NOT INCLUDING WEEKENDS AND HOLIDAYS, THE EVALUATING AGENCY MUST COMPLETE
8 AN EVALUATION OF THE RESPONDENT FOR BEHAVIORAL HEALTH ISSUES.

9 E. THE RESPONDENT SHALL BE INFORMED THAT THE RESPONDENT MAY REFUSE
10 TO PARTICIPATE IN THE EVALUATION AND THAT A HEARING SHALL BE HELD. IF THE
11 RESPONDENT REFUSES TO PARTICIPATE IN THE EVALUATION, THE EVALUATION AGENCY
12 SHALL NOTIFY THE COURT AND THE RESPONDENT'S LEGAL GUARDIAN, IF APPLICABLE,
13 OF THE KNOWN FACTS AND CIRCUMSTANCES AND REQUEST THAT THE COURT HOLD A
14 HEARING AND ENTER AN ORDER PURSUANT TO SECTION 36-530, SUBSECTION D.

15 F. THE EVALUATION AGENCY SHALL PROVIDE THE EVALUATION RESULTS TO
16 THE COURT. THE COURT SHALL SCHEDULE A HEARING AS SOON AS PRACTICABLE BUT
17 NOT LATER THAN THE NEXT COURT DAY AFTER THE COURT RECEIVES THE EVALUATION
18 RESULTS. A PEACE OFFICER SHALL TRANSPORT THE RESPONDENT TO THE
19 HEARING. IF THE COURT, BASED ON THE EVALUATION REPORT AND THE FACTORS
20 INCLUDED IN SUBSECTION G OF THIS SECTION, FINDS BY CLEAR AND CONVINCING
21 EVIDENCE THAT THE RESPONDENT POSES A SIGNIFICANT DANGER OF IMMINENTLY
22 CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS, THE COURT
23 SHALL ISSUE AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION FOR UP TO
24 FOURTEEN DAYS. THE COURT MAY REFER THE RESPONDENT FOR FURTHER PROCEEDINGS
25 PURSUANT TO SECTION 36-531, SUBSECTION B.

26 G. THE COURT SHALL REVIEW THE REQUEST FOR AN EMERGENCY SEVERE
27 THREAT ORDER OF PROTECTION, ANY OTHER PLEADINGS ON FILE AND ANY EVIDENCE
28 OFFERED BY THE PEACE OFFICER OR ANOTHER PERSON, INCLUDING ANY EVIDENCE OF:

29 1. A RECENT CREDIBLE THREAT TO CAUSE DEATH OR SERIOUS PHYSICAL
30 INJURY OR AN ACT OR ATTEMPTED ACT THAT IS INTENDED TO CAUSE DEATH OR
31 SERIOUS PHYSICAL INJURY TO SELF OR OTHERS BY THE RESPONDENT.

32 2. A PATTERN OF THREATS TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY
33 OR ACTS OR ATTEMPTED ACTS THAT ARE INTENDED TO CAUSE DEATH OR SERIOUS
34 PHYSICAL INJURY TO SELF OR OTHERS BY THE RESPONDENT WITHIN THE PRECEDING
35 SIX MONTHS. EVIDENCE THAT THE RESPONDENT HAS VIOLATED AN ORDER OF
36 PROTECTION OR AN INJUNCTION AGAINST HARASSMENT THROUGH VIOLENT OR
37 THREATENING BEHAVIOR MAY BE USED TO DEMONSTRATE A PATTERN FOR THE PURPOSES
38 OF THIS PARAGRAPH.

39 3. KNOWN DANGEROUS MENTAL HEALTH ISSUES OF THE RESPONDENT.

40 4. THE RESPONDENT'S HAVING PREVIOUSLY BEEN SUBJECT TO OR CURRENTLY
41 BEING SUBJECT TO AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION.

42 5. A CONVICTION FOR A VIOLENT CRIME COMMITTED BY THE RESPONDENT.

43 6. A CONVICTION FOR AN OFFENSE IN THIS STATE OR ANOTHER
44 JURISDICTION INVOLVING THE UNLAWFUL DISCHARGE, USE OR THREATENING
45 EXHIBITION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT OR THE INTENTIONAL

1 OR KNOWING INFLICTION OF SERIOUS PHYSICAL INJURY ON ANOTHER PERSON WITH A
2 FIREARM BY THE RESPONDENT.

3 7. THE RESPONDENT'S HISTORY OF USE, ATTEMPTED USE OR THREATENED USE
4 OF UNLAWFUL PHYSICAL FORCE AGAINST ANOTHER PERSON OR STALKING ANOTHER
5 PERSON.

6 H. IF THE COURT DOES NOT FIND THAT THE RESPONDENT POSES A
7 SIGNIFICANT DANGER OF IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY
8 TO SELF OR OTHERS, THE COURT SHALL ORDER THE RESPONDENT'S RELEASE AND
9 NOTIFY THE LAW ENFORCEMENT AGENCY THAT REQUESTED THE EMERGENCY SEVERE
10 THREAT ORDER OF PROTECTION WITHIN TWENTY-FOUR HOURS AFTER THAT
11 DETERMINATION IS MADE. THE COURT MAY REMAND THE RESPONDENT TO THE CUSTODY
12 OF A LAW ENFORCEMENT AGENCY TO ADDRESS ANY PENDING CRIMINAL CHARGES.

13 I. AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION EXPIRES AFTER
14 FOURTEEN DAYS.

15 J. WITHIN TWENTY-FOUR HOURS AFTER A COURT ISSUES AN EMERGENCY
16 SEVERE THREAT ORDER OF PROTECTION, THE COURT SHALL FORWARD A COPY OF THE
17 ORDER AND PROOF OF SERVICE, IF APPLICABLE, TO THE SHERIFF'S OFFICE IN THE
18 COUNTY IN WHICH THE ORDER WAS ISSUED FOR REGISTRATION BY THE SHERIFF IN A
19 CENTRAL REPOSITORY. THE SHERIFF SHALL REGISTER THE ORDER WITH THE
20 NATIONAL CRIME INFORMATION CENTER AND SHALL INDICATE ON THE FILE THAT THE
21 RESPONDENT IS SUBJECT TO FIREARM RESTRICTIONS. ON THE EXPIRATION OF AN
22 EMERGENCY SEVERE THREAT ORDER OF PROTECTION, THE SHERIFF SHALL IMMEDIATELY
23 ENSURE THAT THE NATIONAL CRIME INFORMATION CENTER IS UPDATED WITH THIS
24 INFORMATION.

25 K. EACH COUNTY SHERIFF SHALL MAINTAIN A CENTRAL REPOSITORY TO
26 VERIFY THE EXISTENCE AND VALIDITY OF AN EMERGENCY SEVERE THREAT ORDER OF
27 PROTECTION.

28 L. IF THE COURT ISSUES AN EMERGENCY SEVERE THREAT ORDER OF
29 PROTECTION AND THE RESPONDENT POSSESSES ANY FIREARMS, THE RESPONDENT SHALL
30 PROVIDE THE COURT WITH THE NAME OF A RESPONSIBLE CUSTODIAN. THE
31 RESPONSIBLE CUSTODIAN MUST TAKE POSSESSION OF ALL FIREARMS THAT THE
32 RESPONDENT POSSESSES OR TRANSFER POSSESSION OF THE FIREARMS TO THE
33 SHERIFF, A LOCAL LAW ENFORCEMENT AGENCY OR A FEDERALLY LICENSED FIREARMS
34 DEALER WITHIN TWENTY-FOUR HOURS AFTER THE ORDER IS ISSUED. THE RESPONDENT
35 MAY NOT POSSESS ANY FIREARMS AFTER THE COURT ISSUES THE ORDER. IF THE
36 RESPONDENT POSSESSES ANY FIREARMS AND DOES NOT IDENTIFY A RESPONSIBLE
37 CUSTODIAN OR SUBMIT EVIDENCE OF THE RESPONDENT'S COMPLIANCE WITH THIS
38 SUBSECTION TO THE SHERIFF OR A LOCAL LAW ENFORCEMENT AGENCY WITHIN
39 TWENTY-FOUR HOURS AFTER THE ORDER IS ISSUED, THE COURT, ON THE REQUEST OF
40 THE SHERIFF OR A LOCAL LAW ENFORCEMENT AGENCY, MAY ISSUE A SEARCH WARRANT
41 FOR THE FIREARMS.

42 12-1883. Applicability to minors; juvenile court transfer

43 IF THE RESPONDENT TO A REQUEST FOR AN EMERGENCY SEVERE THREAT ORDER
44 OF PROTECTION IS A MINOR, THE REQUEST SHALL BE TRANSFERRED TO THE JUVENILE
45 COURT.

1 12-1884. Confidential records

2 A REQUEST FOR AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION AND ANY
3 SUPPORTING DOCUMENTS THAT ARE FILED PURSUANT TO THIS ARTICLE ARE
4 CONFIDENTIAL AND ARE NOT PUBLIC RECORDS UNTIL AN EMERGENCY SEVERE THREAT
5 ORDER OF PROTECTION IS ISSUED BY THE COURT.

6 12-1885. Prohibited possession of a firearm; firearm seizure;
7 violation; classification

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

12 B. IF THE SUBJECT OF AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION
13 IS A MINOR AND A PARENT, LEGAL GUARDIAN OR HOUSEHOLD MEMBER OWNS A
14 FIREARM, THE PARENT OR LEGAL GUARDIAN SHALL ATTEST TO THE COURT UNDER OATH
15 AS PART OF THE EMERGENCY SEVERE THREAT ORDER OF PROTECTION PROCEEDINGS
16 THAT THE MINOR WHO IS THE SUBJECT OF THE ORDER CANNOT ACCESS THE FIREARM.

17 C. A PEACE OFFICER WHO IS TAKING A PERSON INTO CUSTODY FOR AN
18 EMERGENCY SEVERE THREAT ORDER OF PROTECTION MAY TAKE TEMPORARY CUSTODY OF
19 ANY FIREARM THAT IS IN PLAIN SIGHT OR DISCOVERED PURSUANT TO A CONSENSUAL
20 OR OTHER LAWFUL SEARCH AND THAT IS NECESSARY FOR THE PROTECTION OF THE
21 PEACE OFFICER OR OTHER PERSONS PRESENT AS PROVIDED IN SECTION 13-3102,
22 SUBSECTION L. A FIREARM THAT IS TAKEN INTO TEMPORARY CUSTODY PURSUANT TO
23 THIS SUBSECTION MUST BE RETURNED AT THE END OF THE CONTACT.

24 D. A PERSON WHO IS SUBJECT TO AN EMERGENCY SEVERE THREAT ORDER OF
25 PROTECTION SHALL IMMEDIATELY APPOINT A RESPONSIBLE CUSTODIAN WHO MUST TAKE
26 POSSESSION OF ALL FIREARMS THAT ARE POSSESSED BY THE PERSON WHO IS SUBJECT
27 TO THE ORDER WITHIN TWENTY-FOUR HOURS AFTER THE ORDER IS ISSUED. THE
28 RESPONSIBLE CUSTODIAN MAY EITHER RETAIN POSSESSION OF THE FIREARMS OR
29 TRANSFER THE FIREARMS TO THE SHERIFF, A LOCAL LAW ENFORCEMENT AGENCY OR A
30 FEDERALLY LICENSED FIREARMS DEALER FOR THE DURATION OF THE EMERGENCY
31 SEVERE THREAT ORDER OF PROTECTION. THE PERSON WHO IS SUBJECT TO THE ORDER
32 SHALL SUBMIT EVIDENCE TO THE SHERIFF OR A LOCAL LAW ENFORCEMENT AGENCY
33 WITHIN TWENTY-FOUR HOURS AFTER THE ORDER WAS ISSUED THAT THE RESPONSIBLE
34 CUSTODIAN HAS TAKEN POSSESSION OF OR TRANSFERRED THE FIREARMS. IF A
35 PERSON WHO IS SUBJECT TO AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION
36 DOES NOT OWN OR POSSESS A FIREARM, THE PERSON SHALL ATTEST TO THE SHERIFF
37 OR A LOCAL LAW ENFORCEMENT AGENCY UNDER OATH THAT THE PERSON DOES NOT OWN
38 OR POSSESS A FIREARM.

39 E. IF A PERSON WHO IS SUBJECT TO AN EMERGENCY SEVERE THREAT ORDER
40 OF PROTECTION DOES NOT SUBMIT EVIDENCE OF THE PERSON'S COMPLIANCE WITH
41 SUBSECTION D OF THIS SECTION TO THE SHERIFF OR A LOCAL LAW ENFORCEMENT
42 AGENCY WITHIN TWENTY-FOUR HOURS AFTER THE ORDER, THE SHERIFF OR A LOCAL
43 LAW ENFORCEMENT AGENCY SHALL REQUEST THAT THE COURT ISSUE A SEARCH WARRANT
44 TO ALLOW A PEACE OFFICER TO SEARCH FOR AND SEIZE ANY FIREARM THAT IS IN
45 THE PERSON'S POSSESSION.

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

11 G. AFTER AN ORDER EXPIRES OR IS QUASHED, THE COURT SHALL PROVIDE
12 THE SUBJECT OF THE ORDER WITH DOCUMENTATION THAT STATES THAT THE ORDER HAS
13 EXPIRED OR HAS BEEN QUASHED AND IS NO LONGER IN EFFECT. A LAW ENFORCEMENT
14 AGENCY THAT HAS CUSTODY OF A FIREARM SHALL RELEASE THE FIREARM WITHIN
15 TWENTY-FOUR HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER THE RECEIPT OF
16 THE EVIDENCE THAT THE ORDER HAS EXPIRED OR BEEN QUASHED OR RECEIPT OF A
17 COURT DOCUMENT EVIDENCING THAT THE PERSON IS NOT PROHIBITED FROM
18 POSSESSING A FIREARM.

19 H. IF A PERSON HAS BEEN FOUND TO POSE A SIGNIFICANT DANGER OF
20 IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS AND
21 THE COURT ENTERS AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION PURSUANT
22 TO SECTION 12-1882, THE SUPERIOR COURT MAY ACCESS THE INFORMATION OF A
23 PERSON WHO IS SUBJECT TO AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION TO
24 ENFORCE OR FACILITATE AN ORDER.

25 I. ON REQUEST, THE CLERK OF THE COURT SHALL PROVIDE CERTIFIED
26 COPIES OF THE ORDER TO A LAW ENFORCEMENT OR PROSECUTING AGENCY THAT IS
27 INVESTIGATING OR PROSECUTING A PROHIBITED POSSESSOR AS DEFINED IN SECTION
28 13-3101.

29 J. A PERSON IS GUILTY OF A CLASS 5 FELONY IF THE PERSON BOTH:

30 1. INTENTIONALLY OR KNOWINGLY ALLOWS ACCESS TO A FIREARM BY A
31 PERSON WHO IS SUBJECT TO AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION.

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

33 12-1886. Supreme court reporting

34 THE SUPREME COURT SHALL SUBMIT AN ANNUAL REPORT TO THE PRESIDENT OF
35 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR
36 WITH THE FOLLOWING INFORMATION AND SUBMIT A COPY OF THE REPORT TO THE
37 SECRETARY OF STATE:

38 1. THE AVERAGE LENGTH OF TIME THAT IT TAKES FOR THE SUPERIOR COURT
39 TO RECEIVE AN EVALUATION REPORT AFTER THE RESPONDENT ARRIVES AT AN
40 EVALUATION AGENCY.

41 2. THE NUMBER OF TIMES IN WHICH THE COURT ORDERED AN EVALUATION AND
42 AN EVALUATION REPORT WAS NOT ISSUED.

43 3. THE NUMBER OF EMERGENCY SEVERE THREAT ORDERS OF PROTECTION
44 REQUESTED AND DENIED.

1 4. THE NUMBER OF SEARCH WARRANTS TO SEIZE A FIREARM ISSUED PURSUANT
2 TO SECTION 12-1885, SUBSECTION E.

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

5 13-2703. False swearing; classification

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

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

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

13 13-3101. Definitions

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

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

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

19 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
20 other similar explosive material, including plastic explosives. Explosive
21 does not include ammunition or ammunition components such as primers,
22 percussion caps, smokeless powder, black powder and black powder
23 substitutes used for hand loading purposes.

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

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

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

40 7. "Prohibited possessor" means any person:

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

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

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

6 (d) Who is at the time of possession serving a term of probation
7 pursuant to a conviction for a domestic violence offense as defined in
8 section 13-3601 or a felony offense, parole, community supervision, work
9 furlough, home arrest or release on any other basis or who is serving a
10 term of probation or parole pursuant to the interstate compact under title
11 31, chapter 3, article 4.1.

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

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

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

23 (iii) Certain diplomats.

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

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

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

31 (g) Who is found guilty except insane.

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

35 8. "Prohibited weapon":

36 (a) Includes the following:

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

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

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

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

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

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

12 (vii) A chemical or combination of chemicals, compounds or
13 materials, including dry ice, that is possessed or manufactured for the
14 purpose of generating a gas to cause a mechanical failure, rupture or
15 bursting or an explosion or detonation of the chemical or combination of
16 chemicals, compounds or materials.

17 (viii) An improvised explosive device.

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

21 (b) Does not include:

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

24 (ii) Any propellant, propellant actuated devices or propellant
25 actuated industrial tools that are manufactured, imported or distributed
26 for their intended purposes.

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

29 9. "Trafficking" means to sell, transfer, distribute, dispense or
30 otherwise dispose of a weapon or explosive to another person, or to buy,
31 receive, possess or obtain control of a weapon or explosive, with the
32 intent to sell, transfer, distribute, dispense or otherwise dispose of the
33 weapon or explosive to another person.

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

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

40 15-118. Suicide prevention training; mental health first aid
41 training; approved materials; posting; confirmation
42 of training completion

43 A. ON OR BEFORE JULY 1, 2019, THE ARIZONA HEALTH CARE COST
44 CONTAINMENT SYSTEM ADMINISTRATION SHALL ANNUALLY IDENTIFY OR DEVELOP AND
45 POST ON THE ADMINISTRATION'S WEBSITE WEB-BASED TRAINING ON THE TOPIC OF

1 SUICIDE PREVENTION AND MENTAL HEALTH FIRST AID THAT MAY BE USED TO FULFILL
2 THE REQUIREMENTS OF THIS SECTION. THE ADMINISTRATION SHALL CONSULT WITH
3 OTHER ORGANIZATIONS THAT HAVE EXPERTISE IN SUICIDE PREVENTION AND MENTAL
4 HEALTH FIRST AID WHEN IDENTIFYING OR DEVELOPING THE TRAINING. THE
5 ADMINISTRATION SHALL ANNUALLY UPDATE THESE APPROVED MATERIALS.

6 B. BEGINNING IN THE 2019-2020 SCHOOL YEAR, SCHOOL DISTRICTS,
7 CHARTER SCHOOLS AND THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND
8 SHALL REQUIRE THE FOLLOWING ONLY FOR TEACHERS, PRINCIPALS AND OTHER SCHOOL
9 PERSONNEL WHO WORK WITH PUPILS IN GRADES SIX THROUGH TWELVE:

10 1. TRAINING IN SUICIDE PREVENTION.

11 2. TRAINING TO IDENTIFY THE WARNING SIGNS OF SUICIDAL BEHAVIOR IN
12 ADOLESCENTS AND TEENS.

13 3. TRAINING IN APPROPRIATE INTERVENTION AND REFERRAL TECHNIQUES.

14 4. MENTAL HEALTH FIRST AID TRAINING.

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

16 1. MUST USE EVIDENCE-BASED TRAINING MATERIALS.

17 2. MAY BE PROVIDED WITHIN THE FRAMEWORK OF EXISTING IN-SERVICE
18 TRAINING PROGRAMS OFFERED BY THE SCHOOL DISTRICT, CHARTER SCHOOL OR THE
19 ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND OR AS PART OF
20 PROFESSIONAL DEVELOPMENT ACTIVITIES.

21 D. ON COMPLETION OF THE TRAINING THAT IS REQUIRED BY THIS SECTION,
22 EACH SCHOOL DISTRICT AND CHARTER SCHOOL AND THE ARIZONA STATE SCHOOLS FOR
23 THE DEAF AND THE BLIND SHALL PROVIDE TO THE TEACHER, PRINCIPAL AND OTHER
24 SCHOOL PERSONNEL A DOCUMENT THAT CONFIRMS THAT THE REQUIRED TRAINING HAS
25 BEEN COMPLETED.

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

28 15-153. School safety requirements; emergency response plans;
29 agreements with law enforcement

30 A. BEGINNING IN THE 2018-2019 SCHOOL YEAR, THE ARIZONA STATE
31 SCHOOLS FOR THE DEAF AND THE BLIND AND EACH SCHOOL DISTRICT AND CHARTER
32 SCHOOL THAT ISSUES STUDENT IDENTIFICATION CARDS SHALL INCLUDE ON THE
33 IDENTIFICATION CARDS THE TELEPHONE NUMBER OF THE SAFE SCHOOLS HOTLINE THAT
34 IS OPERATED BY THE CENTER FOR SCHOOL SAFETY AND ESTABLISHED PURSUANT TO
35 SECTION 41-1711.

36 B. EACH VISITOR TO THE CAMPUS OF A LOCAL EDUCATION AGENCY, ON
37 REQUEST, SHALL PROVIDE IDENTIFICATION TO ANY SCHOOL EMPLOYEE. A SCHOOL
38 ADMINISTRATOR MAY INFORM A VISITOR WHO FAILS TO PROVIDE IDENTIFICATION
39 THAT THE VISITOR MUST LEAVE THE CAMPUS OR BE SUBJECT TO A TRESPASS
40 VIOLATION.

41 C. EACH SCHOOL DISTRICT AND CHARTER SCHOOL AND THE ARIZONA STATE
42 SCHOOLS FOR THE DEAF AND THE BLIND, IN CONJUNCTION WITH LOCAL LAW
43 ENFORCEMENT AGENCIES AND EMERGENCY RESPONSE AGENCIES, SHALL:

44 1. PROVIDE SCHOOL SAFETY TRAINING FOR STUDENTS THAT IS
45 AGE-APPROPRIATE.

1 2. PROVIDE PROFESSIONAL DEVELOPMENT FOR TEACHERS AND STAFF ON THE
2 POLICIES AND PROCEDURES OF THE SCHOOL DISTRICT OR SCHOOL RELATED TO SCHOOL
3 SAFETY.

4 3. DEVELOP AND CONTINUOUSLY MAINTAIN AN EMERGENCY RESPONSE PLAN FOR
5 EACH SCHOOL IN ACCORDANCE WITH THE MINIMUM STANDARDS THAT ARE JOINTLY
6 DEVELOPED BY THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC SAFETY
7 AND THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF EMERGENCY
8 AND MILITARY AFFAIRS. THE EMERGENCY RESPONSE PLAN IS CRITICAL
9 INFRASTRUCTURE INFORMATION AS DEFINED IN SECTION 41-1801 AND DOES NOT
10 CONSTITUTE A PUBLIC RECORD. THE EMERGENCY RESPONSE PLAN SHALL CONTAIN THE
11 CONTACT INFORMATION FOR ALL LOCAL LAW ENFORCEMENT AGENCIES WHOSE
12 JURISDICTIONS INCLUDES THE SCHOOL AND, IF AVAILABLE, THE CONTACT
13 INFORMATION FOR THE SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL AND THE
14 LAW ENFORCEMENT AGENCY AFFILIATED WITH THAT SCHOOL RESOURCE OFFICER. AS
15 PART OF THE EMERGENCY RESPONSE PLAN, THE SCHOOL ADMINISTRATOR OF A SCHOOL,
16 A CHARTER SCHOOL AND THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND
17 MAY EACH DEVELOP AND CONTINUOUSLY MAINTAIN AN ACTIVE SHOOTER TRAINING
18 PROGRAM. EACH EMERGENCY RESPONSE PLAN MAY INCLUDE RESERVE PEACE OFFICERS
19 TRAINED PURSUANT TO SECTION 15-154, SUBSECTION A, PARAGRAPH 4.

20 D. A SCHOOL DISTRICT, A CHARTER SCHOOL OR THE ARIZONA STATE SCHOOLS
21 FOR THE DEAF AND THE BLIND MAY ENTER INTO AN AGREEMENT WITH THE DEPARTMENT
22 OF PUBLIC SAFETY, A COUNTY SHERIFF OR A LOCAL LAW ENFORCEMENT AGENCY TO
23 ALLOW ACTIVE OR RESERVE PEACE OFFICERS WHO ARE CERTIFIED BY THE ARIZONA
24 PEACE OFFICER STANDARDS AND TRAINING BOARD OR QUALIFIED RETIRED LAW
25 ENFORCEMENT OFFICERS AS DEFINED IN 18 UNITED STATES CODE SECTION 926c TO
26 PROVIDE SECURITY ON SCHOOL GROUNDS. A PERSON WHO IS EMPLOYED BY A SCHOOL
27 DISTRICT, A CHARTER SCHOOL OR THE ARIZONA STATE SCHOOLS FOR THE DEAF AND
28 THE BLIND WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS AND
29 TRAINING BOARD AND WHO BECOMES A RESERVE PEACE OFFICER PURSUANT TO THE
30 AGREEMENT IS NOT REQUIRED TO PARTICIPATE IN ADDITIONAL RESERVE DUTIES,
31 COMMITMENTS OR OBLIGATIONS WHEN THE PERSON IS NOT ON SCHOOL PROPERTY WITH
32 THE EXCEPTION OF THE TRAINING REQUIRED TO MAINTAIN THE PERSON'S PEACE
33 OFFICER CERTIFICATION. NOTHING IN THIS SECTION SHALL PROHIBIT AN
34 AUTHORIZED PERSON FROM CARRYING OR POSSESSING A WEAPON ON SCHOOL GROUNDS
35 PURSUANT TO SECTION 15-341, SUBSECTION A, PARAGRAPH 23.

36 E. THE GOVERNING BOARD OF A SCHOOL DISTRICT, THE GOVERNING BODY OF
37 A CHARTER SCHOOL AND THE BOARD OF DIRECTORS FOR THE ARIZONA STATE SCHOOLS
38 FOR THE DEAF AND THE BLIND SHALL PROVIDE INFORMATION AT LEAST ONCE EACH
39 SCHOOL YEAR TO EMPLOYEES ABOUT RESERVE PEACE OFFICER TRAINING.

40 F. A SCHOOL DISTRICT, A CHARTER SCHOOL OR THE ARIZONA STATE SCHOOLS
41 FOR THE DEAF AND THE BLIND MAY ENTER INTO AN AGREEMENT WITH THE DEPARTMENT
42 OF PUBLIC SAFETY, A COUNTY SHERIFF OR A LOCAL LAW ENFORCEMENT AGENCY TO
43 ALLOW PEACE OFFICERS WHOSE JURISDICTION INCLUDES A SCHOOL TO USE THE
44 SCHOOL'S INDOOR OR OUTDOOR FACILITIES AND PROPERTY DURING THE HOURS THAT

1 THE SCHOOL IS OPEN TO COMPLETE ADMINISTRATIVE TASKS, INCLUDING PAPERWORK,
2 WHILE ON DUTY.

3 15-153.01. Crime reporting; policies and procedures;
4 notification; discipline

5 A. A SCHOOL DISTRICT GOVERNING BOARD AND A CHARTER SCHOOL GOVERNING
6 BODY SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES FOR SCHOOL
7 PERSONNEL, PURSUANT TO SECTION 15-341, SUBSECTION A, PARAGRAPH 30, TO
8 REPORT TO THE SHERIFF OR THE LOCAL LAW ENFORCEMENT AGENCY ANY SUSPECTED
9 CRIME AGAINST A PERSON OR PROPERTY THAT IS A SERIOUS OFFENSE AS DEFINED IN
10 SECTION 13-706 OR THAT INVOLVES A DEADLY WEAPON OR DANGEROUS INSTRUMENT OR
11 SERIOUS PHYSICAL INJURY AND ANY CONDUCT THAT POSES A THREAT OF DEATH OR
12 SERIOUS PHYSICAL INJURY TO EMPLOYEES, STUDENTS OR OTHER PERSONS ON THE
13 SCHOOL PROPERTY.

14 B. A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING
15 BODY SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES THAT REQUIRE
16 NOTIFICATION TO BE MADE TO THE PARENT OR GUARDIAN OF EACH STUDENT WHO IS
17 INVOLVED IN A SUSPECTED CRIME OR ANY CONDUCT THAT IS DESCRIBED IN
18 SUBSECTION A OF THIS SECTION.

19 C. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION MAY BE
20 DISCIPLINED AND SUBJECT TO DISMISSAL FOR A VIOLATION OF THE POLICIES OF
21 CHARTER SCHOOL GOVERNING BODY OR SCHOOL DISTRICT GOVERNING BOARD PURSUANT
22 TO SECTION 15-341, SUBSECTION A, PARAGRAPHS 21 AND 22. A SCHOOL DISTRICT
23 GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING BODY SHALL PRESCRIBE AND
24 ENFORCE POLICIES AND PROCEDURES THAT REQUIRE A RECORD TO BE MAINTAINED FOR
25 ANY PERSON WHO IS DISCIPLINED PURSUANT TO THIS SUBSECTION AND, ON REQUEST,
26 SHALL MAKE ANY SUCH RECORD AVAILABLE TO ANY PUBLIC SCHOOL, SCHOOL DISTRICT
27 GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY THAT INTENDS TO HIRE THAT
28 PERSON.

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

31 15-154. School safety program; purpose; proposals;
32 requirements; annual report; program termination;
33 definitions

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

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

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

6 ~~3.~~ 3. A plan for implementing a law-related education program or a
7 plan that demonstrates the existence of a law-related education program as
8 a school safety prevention strategy.

9 ~~4.~~ 4. A plan to use trained school resource officers, **ACTIVE OR**
10 **RESERVE PEACE OFFICERS WHO ARE CERTIFIED BY THE ARIZONA PEACE OFFICER**
11 **STANDARDS AND TRAINING BOARD OR QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS**
12 **AS DEFINED IN 18 UNITED STATES CODE SECTION 926c** or juvenile probation
13 officers in the school, or ~~both~~ **ANY COMBINATION OF THOSE OFFICERS.**

14 ~~5.~~ 5. If the school district or charter school has already
15 participated in the school safety program, information on the success,
16 compliance and implementation of the most recent grant.

17 B. The department of education shall administer the program in
18 cooperation with the courts, law enforcement agencies and law-related
19 education providers awarded a contract pursuant to section 41-2534,
20 subject to review and approval by the state board of education. The
21 department of education shall use relevant crime statistics to assess the
22 needs of each program proposal and shall visit school districts and
23 charter schools that submit program proposals in order to verify the
24 information contained in the program proposals. The department of
25 education shall contract to provide guidelines, curricula and support
26 resources for school resource officers and juvenile probation officers to
27 use in implementing a law-related education program.

28 C. The department of education, subject to the review and approval
29 of the state board of education, shall distribute monies to the school
30 districts and charter schools that are in compliance with program
31 requirements and whose plans have been approved by the state board of
32 education. The state board of education shall also review and approve
33 renewal applications for up to an additional three fiscal years from
34 participating school sites.

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

43 E. The department of education shall evaluate the effectiveness of
44 the school safety program and report on the activities of the program and
45 the participants in the school safety program to the president of the

1 senate, the speaker of the house of representatives and the governor on or
2 before November 1 of each year and shall provide a copy of this report to
3 the secretary of state. The evaluation and report shall include survey
4 results from participating schools and data from participating schools on
5 the impact of participating in the school safety program. The department
6 OF EDUCATION, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC SAFETY, shall
7 establish data guidelines for school safety program participants to follow
8 in reporting pursuant to this subsection.

9 F. The school safety program established by this section shall
10 include a school safety program guidance manual adopted by the department
11 of education that requires a dispute resolution process to be included in
12 the service agreement between a school district or charter school that
13 received a grant from the school safety program and the law enforcement
14 agency that provides services to the school district or charter school.

15 G. THE DEPARTMENT OF EDUCATION SHALL MEET WITH REPRESENTATIVES FROM
16 SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE DEPARTMENT OF PUBLIC SAFETY,
17 COUNTY SHERIFFS AND LOCAL LAW ENFORCEMENT AGENCIES ON A QUARTERLY BASIS TO
18 DISCUSS SCHOOL SAFETY.

19 ~~H.~~ H. Any appropriations that are made to the department of
20 education for the school safety program are exempt from the provisions of
21 section 35-190 relating to the lapsing of appropriations. All monies that
22 are not used for an approved school safety plan during the fiscal year for
23 which the monies were appropriated revert to the department of education
24 for distribution to the program in the following fiscal year.

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

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

31 ~~J.~~ K. For the purposes of this section:

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

35 2. "Law-related education program" means a program designed to
36 provide children and youth with knowledge, skills and activities
37 pertaining to the law and legal process and to promote law-abiding
38 behavior with the purpose of preventing children and youth from engaging
39 in delinquency or violence and enabling them to become productive
40 citizens.

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

43 15-341. General powers and duties; immunity; delegation

44 A. The governing board shall:

- 1 1. Prescribe and enforce policies and procedures for the governance
2 of the schools, ~~THAT ARE~~ THAT ARE not inconsistent with law or rules prescribed by
3 the state board of education.
- 4 2. Exclude from schools all books, publications, papers or
5 audiovisual materials of a sectarian, partisan or denominational
6 character. This paragraph ~~shall~~ DOES not ~~be construed to~~ prohibit the
7 elective course permitted by section 15-717.01.
- 8 3. Manage and control the school property within its district.
- 9 4. Acquire school furniture, apparatus, equipment, library books
10 and supplies for the use of the schools.
- 11 5. Prescribe the curricula and criteria for the promotion and
12 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 13 6. Furnish, repair and insure, at full insurable value, the school
14 property of the district.
- 15 7. Construct school buildings on approval by a vote of the district
16 electors.
- 17 8. Make in the name of the district conveyances of property
18 belonging to the district and sold by the board.
- 19 9. Purchase school sites when authorized by a vote of the district
20 at an election conducted as nearly as practicable in the same manner as
21 the election provided in section 15-481 and held on a date prescribed in
22 section 15-491, subsection E, but such authorization shall not necessarily
23 specify the site to be purchased and such authorization shall not be
24 necessary to exchange unimproved property as provided in section 15-342,
25 paragraph 23.
- 26 10. Construct, improve and furnish buildings used for school
27 purposes when such buildings or premises are leased from the national park
28 service.
- 29 11. Purchase school sites or construct, improve and furnish school
30 buildings from the proceeds of the sale of school property only on
31 approval by a vote of the district electors.
- 32 12. Hold pupils to strict account for disorderly conduct on school
33 property.
- 34 13. Discipline students for disorderly conduct on the way to and
35 from school.
- 36 14. Except as provided in section 15-1224, deposit all monies
37 received by the district as gifts, grants and devises with the county
38 treasurer who shall credit the deposits as designated in the uniform
39 system of financial records. If not inconsistent with the terms of the
40 gifts, grants and devises given, any balance remaining after expenditures
41 for the intended purpose of the monies have been made shall be used for
42 reduction of school district taxes for the budget year, except that in the
43 case of accommodation schools the county treasurer shall carry the balance
44 forward for use by the county school superintendent for accommodation
45 schools for the budget year.

1 15. Provide that, if a parent or legal guardian chooses not to
2 accept a decision of the teacher as provided in ~~section~~ paragraph ~~#2~~ 41 of
3 this subsection, the parent or legal guardian may request in writing that
4 the governing board review the teacher's decision. This paragraph ~~shall~~
5 **DOES** not ~~be construed to~~ release school districts from any liability
6 relating to a child's promotion or retention.

7 16. Provide for adequate supervision over pupils in instructional
8 and noninstructional activities by certificated or noncertificated
9 personnel.

10 17. Use school monies received from the state and county school
11 apportionment exclusively for payment of salaries of teachers and other
12 employees and contingent expenses of the district.

13 18. Make an annual report to the county school superintendent on or
14 before October 1 in the manner and form and on the blanks prescribed by
15 the superintendent of public instruction or county school superintendent.
16 The board shall also make reports directly to the county school
17 superintendent or the superintendent of public instruction whenever
18 required.

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

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

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

41 22. Prescribe and enforce policies and procedures for disciplinary
42 action against an administrator who engages in conduct that is a violation
43 of the policies of the governing board regarding duties of administrators
44 but that is not cause for dismissal of the administrator or for revocation
45 of the certificate of the administrator. Disciplinary action may include

1 suspension without pay for a period of time not to exceed ten school days.
2 Disciplinary action shall not include suspension with pay or suspension
3 without pay for a period of time longer than ten school days. The
4 procedures shall include notice, hearing and appeal provisions for
5 violations that are cause for disciplinary action. The governing board
6 may designate a person or persons to act on behalf of the board on these
7 matters. For violations that are cause for dismissal, the provisions of
8 notice, hearing and appeal in chapter 5, article 3 of this title shall
9 apply. The filing of a timely request for a hearing suspends the
10 imposition of a suspension without pay or a dismissal pending completion
11 of the hearing.

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

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

20 (a) The provision of water.

21 (b) Guidelines, information and forms, developed in consultation
22 with a statewide private entity that supervises interscholastic
23 activities, to inform and educate coaches, pupils and parents of the
24 dangers of concussions and head injuries and the risks of continued
25 participation in athletic activity after a concussion. The policies and
26 procedures shall require that, before a pupil participates in an athletic
27 activity, the pupil and the pupil's parent must sign an information form
28 at least once each school year that states that the parent is aware of the
29 nature and risk of concussion. The policies and procedures shall require
30 that a pupil who is suspected of sustaining a concussion in a practice
31 session, game or other interscholastic athletic activity be immediately
32 removed from the athletic activity. A coach from the pupil's team or an
33 official or a licensed health care provider may remove a pupil from play.
34 A team parent may also remove the parent's own child from play. A pupil
35 may return to play on the same day if a health care provider rules out a
36 suspected concussion at the time the pupil is removed from play. On a
37 subsequent day, the pupil may return to play if the pupil has been
38 evaluated by and received written clearance to resume participation in
39 athletic activity from a health care provider who has been trained in the
40 evaluation and management of concussions and head injuries. A health care
41 provider who is a volunteer and who provides clearance to participate in
42 athletic activity on the day of the suspected injury or on a subsequent
43 day is immune from civil liability with respect to all decisions made and
44 actions taken that are based on good faith implementation of the
45 requirements of this subdivision, except in cases of gross negligence or

1 wanton or wilful neglect. A school district, school district employee,
2 team coach, official or team volunteer or a parent or guardian of a team
3 member is not subject to civil liability for any act, omission or policy
4 undertaken in good faith to comply with the requirements of this
5 subdivision or for a decision made or an action taken by a health care
6 provider. A group or organization that uses property or facilities owned
7 or operated by a school district for athletic activities shall comply with
8 the requirements of this subdivision. A school district and its employees
9 and volunteers are not subject to civil liability for any other person or
10 organization's failure or alleged failure to comply with the requirements
11 of this subdivision. This subdivision does not apply to teams that are
12 based in another state and that participate in an athletic activity in
13 this state. For the purposes of this subdivision, athletic activity does
14 not include dance, rhythmic gymnastics, competitions or exhibitions of
15 academic skills or knowledge or other similar forms of physical noncontact
16 activities, civic activities or academic activities, whether engaged in
17 for the purposes of competition or recreation. For the purposes of this
18 subdivision, "health care provider" means a physician who is licensed
19 pursuant to title 32, chapter 13 or 17, an athletic trainer who is
20 licensed pursuant to title 32, chapter 41, a nurse practitioner who is
21 licensed pursuant to title 32, chapter 15, and a physician assistant who
22 is licensed pursuant to title 32, chapter 25.

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

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

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

30 28. Ensure that insurance coverage is secured for all construction
31 projects for purposes of general liability, property damage and workers'
32 compensation and secure performance and payment bonds for all construction
33 projects.

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

1 30. Report to local law enforcement agencies any suspected crime
2 against a person or property that is a serious offense as defined in
3 section 13-706 or that involves a deadly weapon or dangerous instrument or
4 serious physical injury and any conduct that poses a threat of death or
5 serious physical injury to employees, students or anyone on the property
6 of the school. This paragraph does not limit or preclude the reporting by
7 a school district or an employee of a school district of suspected crimes
8 other than those required to be reported by this paragraph. For the
9 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
10 "serious physical injury" have the same meanings prescribed in section
11 13-105.

12 ~~31. In conjunction with local law enforcement agencies and~~
13 ~~emergency response agencies, develop an emergency response plan for each~~
14 ~~school in the school district in accordance with minimum standards~~
15 ~~developed jointly by the department of education and the division of~~
16 ~~emergency management within the department of emergency and military~~
17 ~~affairs.~~

18 ~~32.~~ 31. Provide written notice to the parents or guardians of all
19 students enrolled in the school district at least ten days ~~prior to~~ BEFORE
20 a public meeting to discuss closing a school within the school district.
21 The notice shall include the reasons for the proposed closure and the time
22 and place of the meeting. The governing board shall fix a time for a
23 public meeting on the proposed closure ~~no~~ NOT less than ten days before
24 voting in a public meeting to close the school. The school district
25 governing board shall give notice of the time and place of the meeting.
26 At the time and place designated in the notice, the school district
27 governing board shall hear reasons for or against closing the school. The
28 school district governing board is exempt from this paragraph if ~~it is~~
29 ~~determined by~~ the governing board DETERMINES that the school shall be
30 closed because it poses a danger to the health or safety of the pupils or
31 employees of the school. A governing board may consult with the school
32 facilities board for technical assistance and for information on the
33 impact of closing a school. The information provided from the school
34 facilities board shall not require the governing board to take or not take
35 any action.

36 ~~33.~~ 32. Incorporate instruction on Native American history into
37 appropriate existing curricula.

38 ~~34.~~ 33. Prescribe and enforce policies and procedures:

39 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
40 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
41 25 or by a registered nurse practitioner licensed and certified pursuant
42 to title 32, chapter 15 to carry and self-administer emergency
43 medications, including epinephrine auto-injectors, while at school and at
44 school-sponsored activities. The pupil's name on the prescription label
45 on the medication container or on the medication device and annual written

1 documentation from the pupil's parent or guardian to the school that
2 authorizes possession and self-administration is sufficient proof that the
3 pupil is entitled to the possession and self-administration of the
4 medication. The policies shall require a pupil who uses an epinephrine
5 auto-injector while at school and at school-sponsored activities to notify
6 the nurse or the designated school staff person of the use of the
7 medication as soon as practicable. A school district and its employees
8 are immune from civil liability with respect to all decisions made and
9 actions taken that are based on good faith implementation of the
10 requirements of this subdivision, except in cases of wanton or wilful
11 neglect.

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

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

26 ~~36-~~ 35. Prescribe and enforce policies and procedures to prohibit
27 pupils from harassing, intimidating and bullying other pupils on school
28 grounds, on school property, on school buses, at school bus stops, at
29 school-sponsored events and activities and through the use of electronic
30 technology or electronic communication on school computers, networks,
31 forums and mailing lists that include the following components:

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

37 (b) A requirement that school district employees report in writing
38 suspected incidents of harassment, intimidation or bullying to the
39 appropriate school official and a description of appropriate disciplinary
40 procedures for employees who fail to report suspected incidents that are
41 known to the employee.

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

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

5 (e) A formal process for the documentation of reported incidents of
6 harassment, intimidation or bullying and for the confidentiality,
7 maintenance and disposition of this documentation. School districts shall
8 maintain documentation of all incidents reported pursuant to this
9 paragraph for at least six years. The school shall not use that
10 documentation to impose disciplinary action unless the appropriate school
11 official has investigated and determined that the reported incidents of
12 harassment, intimidation or bullying occurred. If a school provides
13 documentation of reported incidents to persons other than school officials
14 or law enforcement, all individually identifiable information shall be
15 redacted.

16 (f) A formal process for the investigation by the appropriate
17 school officials of suspected incidents of harassment, intimidation or
18 bullying, including procedures for notifying the alleged victim on
19 completion and disposition of the investigation.

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

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

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

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

29 ~~37.~~ 36. Prescribe and enforce policies and procedures regarding
30 changing or adopting attendance boundaries that include the following
31 components:

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

34 (b) A procedure to notify the parents or guardians of the students
35 affected.

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

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

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

43 (f) A formal process for notifying the residents and parents or
44 guardians of the affected area as to the decision of the governing board

1 on the school district's website, if the school district maintains a
2 website.

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

7 ~~36.~~ 37. If the state board of education determines that the school
8 district has committed an overexpenditure as defined in section 15-107,
9 provide a copy of the fiscal management report submitted pursuant to
10 section 15-107, subsection H on its website and make copies available to
11 the public on request. The school district shall comply with a request
12 within five business days after receipt.

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

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

38 (b) Twenty-five percent of the performance pay shall be determined
39 by the percentage of parents of pupils who are enrolled at the school
40 district who assign a letter grade of "A" to the school on a survey of
41 parental satisfaction with the school district. The parental satisfaction
42 survey shall be administered and scored by an independent entity that is
43 selected by the governing board and that demonstrates sufficient expertise
44 and experience to accurately measure the results of the survey. The
45 parental satisfaction survey shall use standard random sampling procedures

1 and provide anonymity and confidentiality to each parent who participates
2 in the survey. The letter grade scale used on the parental satisfaction
3 survey shall direct parents to assign one of the following letter grades:

- 4 (i) A letter grade of "A" if the school district is excellent.
- 5 (ii) A letter grade of "B" if the school district is above average.
- 6 (iii) A letter grade of "C" if the school district is average.
- 7 (iv) A letter grade of "D" if the school district is below average.
- 8 (v) A letter grade of "F" if the school district is a failure.

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

- 20 (i) A letter grade of "A" if the school district is excellent.
- 21 (ii) A letter grade of "B" if the school district is above average.
- 22 (iii) A letter grade of "C" if the school district is average.
- 23 (iv) A letter grade of "D" if the school district is below average.
- 24 (v) A letter grade of "F" if the school district is a failure.

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

27 ~~40.~~ 39. Maintain and store permanent public records of the school
28 district as required by law. Notwithstanding section 39-101, the
29 standards adopted by the Arizona state library, archives and public
30 records for the maintenance and storage of school district public records
31 shall allow school districts to elect to satisfy the requirements of this
32 paragraph by maintaining and storing these records either on paper or in
33 an electronic format, or a combination of a paper and electronic format.

34 ~~41.~~ 40. Adopt in a public meeting and implement ~~by school year~~
35 ~~2013-2014~~ policies for principal evaluations. Before the adoption of
36 principal evaluation policies, the school district governing board shall
37 provide opportunities for public discussion on the proposed policies. The
38 policies shall describe:

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

42 (b) Alignment of professional development opportunities to the
43 principal evaluations.

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

4 (i) Multiyear contracts pursuant to section 15-503.

5 (ii) Incentives to work at schools that are assigned a letter grade
6 of D or F pursuant to section 15-241.

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

10 ~~42.~~ 41. Prescribe and enforce policies and procedures that define
11 the duties of principals and teachers. These policies and procedures
12 shall authorize teachers to take and maintain daily classroom attendance,
13 make the decision to promote or retain a pupil in a grade in common school
14 or to pass or fail a pupil in a course in high school, subject to review
15 by the governing board in the manner provided in section 15-342,
16 paragraph 11.

17 ~~43.~~ 42. Prescribe and enforce policies and procedures for the
18 emergency administration by an employee of a school district pursuant to
19 section 36-2267 of naloxone hydrochloride or any other opioid antagonist
20 approved by the United States food and drug administration.

21 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
22 section, the county school superintendent may construct, improve and
23 furnish school buildings or purchase or sell school sites in the conduct
24 of an accommodation school.

25 C. If any school district acquires real or personal property,
26 whether by purchase, exchange, condemnation, gift or otherwise, the
27 governing board shall pay to the county treasurer any taxes on the
28 property that were unpaid as of the date of acquisition, including
29 penalties and interest. The lien for unpaid delinquent taxes, penalties
30 and interest on property acquired by a school district:

31 1. Is not abated, extinguished, discharged or merged in the title
32 to the property.

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

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

1 E. A school district, its governing board members, its school
2 council members and its employees are immune from civil liability for the
3 consequences of adoption and implementation of policies and procedures
4 pursuant to subsection A of this section and section 15-342. This waiver
5 does not apply if the school district, its governing board members, its
6 school council members or its employees are guilty of gross negligence or
7 intentional misconduct.

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

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

30 H. Subsections C through G of this section apply to a county board
31 of supervisors and a county school superintendent when operating and
32 administering an accommodation school.

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

35 15-503. Superintendents, principals, head teachers and school
36 psychologists; term of employment; evaluation;
37 contract delivery; nonretention notice

38 A. The governing board may:

39 1. Employ a superintendent or principal, or both. If the governing
40 board employs a superintendent, the governing board shall determine the
41 qualifications for the superintendent by action taken at a public meeting.
42 The governing board shall require a superintendent to have a valid
43 fingerprint clearance card that is issued pursuant to title 41, chapter
44 12, article 3.1.

45 2. Appoint a head teacher.

1 3. Jointly with another governing board employ a superintendent or
2 a principal, or both. If the governing board jointly employs a
3 superintendent, the governing boards shall jointly determine the
4 qualifications for the superintendent by action taken at a public meeting.
5 The governing boards shall require a superintendent to have a valid
6 fingerprint clearance card that is issued pursuant to title 41, chapter
7 12, article 3.1.

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

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

44 D. On or before May 15 each year, the governing board shall offer a
45 contract for the next school year to each certified administrator and

1 certificated school psychologist who is in the last year of the person's
2 contract unless, on or before April 15, the governing board, a member of
3 the board acting on behalf of the board or the superintendent of the
4 school district gives notice to the administrator or certificated school
5 psychologist of the board's intention not to offer a new contract. If the
6 governing board has called for an override election for the third Tuesday
7 in May as provided in section 15-481, the governing board shall offer a
8 contract for the next school year to each certified administrator or
9 certificated school psychologist who is in the last year of the person's
10 contract on or before June 15 unless, no later than five days after the
11 override election excluding Saturday, Sunday and legal holidays, the
12 governing board, a member of the board acting on behalf of the board or
13 the superintendent of the school district gives notice to the
14 administrator or the certificated school psychologist of the board's
15 intention not to offer a new contract. The administrator's or the
16 certificated school psychologist's acceptance of the contract shall be
17 indicated within thirty days from the date of the written contract or the
18 offer is revoked. The administrator or certificated school psychologist
19 accepts the contract by signing the contract and returning it to the
20 governing board or by making a written instrument that accepts the terms
21 of the contract and delivering the written instrument to the governing
22 board.

23 E. Notice of the board's intention not to reemploy the
24 administrator or certificated school psychologist shall be made by
25 delivering the notice personally to the administrator or the certificated
26 school psychologist or by sending the notice by certified mail, postmarked
27 on or before the applicable deadline prescribed in subsection D of this
28 section, and directed to the administrator or the certificated school
29 psychologist at the person's place of residence as recorded in the school
30 district records.

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

36 Sec. 11. Section 15-512, Arizona Revised Statutes, is amended to
37 read:

38 15-512. Noncertificated personnel; fingerprinting personnel;
39 background investigations; affidavit; civil
40 immunity; violation; classification; definition

41 A. Noncertificated personnel and personnel who are not paid
42 employees of the school district and who are not either the parent or the
43 guardian of a pupil who attends school in the school district but who are
44 required or allowed to provide services directly to pupils without the
45 supervision of a certificated employee and who are initially hired by a

1 school district after January 1, 1990 shall be fingerprinted as a
2 condition of employment except for personnel who are required as a
3 condition of licensing to be fingerprinted if the license is required for
4 employment or for personnel who were previously employed by a school
5 district and who reestablished employment with that district within one
6 year after the date that the employee terminated employment with the
7 district. A school district may require noncertificated personnel and
8 personnel who are not paid employees of the school district and who are
9 not either the parent or the guardian of a pupil who attends school in the
10 school district but who are required or allowed to provide services
11 directly to pupils without the supervision of a certificated employee to
12 obtain a fingerprint clearance card as a condition of employment. Even if
13 the school district does not require a fingerprint clearance card as a
14 condition of employment, noncertificated personnel and personnel who are
15 not paid employees of the school district and who are not either the
16 parent or the guardian of a pupil who attends school in the school
17 district but who are required or allowed to provide services directly to
18 pupils without the supervision of a certificated employee may apply for a
19 fingerprint clearance card. A school district may release the results of
20 a background check or communicate whether the person has been issued or
21 denied a fingerprint clearance card to another school district for
22 employment purposes. The employee's fingerprints and the form prescribed
23 in subsection D of this section shall be submitted to the school district
24 within twenty days after the date an employee begins work. A school
25 district may terminate an employee if the information on the form provided
26 under subsection D of this section is inconsistent with the information
27 received from the fingerprint check or the information received in
28 connection with a fingerprint clearance card application. The school
29 district shall develop procedures for fingerprinting employees. For the
30 purposes of this subsection, "supervision" means under the direction of
31 and, except for brief periods of time during a school day or a school
32 activity, within sight of a certificated employee when providing direct
33 services to pupils.

34 B. Fingerprints submitted pursuant to this section shall be used to
35 conduct a state and federal criminal records check pursuant to section
36 41-1750 and Public Law 92-544. The department of public safety may
37 exchange this fingerprint data with the federal bureau of investigation.

38 C. The school district shall assume the costs of fingerprint checks
39 and fingerprint clearance cards and may charge these costs to its
40 fingerprinted employee, except that the school district may not charge the
41 costs of the fingerprint check or the fingerprint clearance card to
42 personnel of the school district who are not paid employees. The fees
43 charged for fingerprinting shall be deposited with the county treasurer
44 who shall credit the deposit to the fingerprint fund of the school
45 district. The costs charged to a fingerprinted employee are limited to

1 and the proceeds in the fund may only be applied to the actual costs,
2 including personnel costs, incurred as a result of the fingerprint checks
3 or the fingerprint clearance cards. The fingerprint fund is a continuing
4 fund that is not subject to reversion.

5 D. Personnel required to be fingerprinted or obtain a fingerprint
6 clearance card as prescribed in subsection A of this section shall certify
7 on forms that are provided by the school and notarized whether they are
8 awaiting trial on or have ever been convicted of or admitted in open court
9 or pursuant to a plea agreement committing any of the following criminal
10 offenses in this state or similar offenses in another jurisdiction:

- 11 1. Sexual abuse of a minor.
- 12 2. Incest.
- 13 3. First or second degree murder.
- 14 4. Kidnapping.
- 15 5. Arson.
- 16 6. Sexual assault.
- 17 7. Sexual exploitation of a minor.
- 18 8. Felony offenses involving contributing to the delinquency of a
19 minor.
- 20 9. Commercial sexual exploitation of a minor.
- 21 10. Felony offenses involving sale, distribution or transportation
22 of, offer to sell, transport, or distribute or conspiracy to sell,
23 transport or distribute marijuana or dangerous or narcotic drugs.
- 24 11. Felony offenses involving the possession or use of marijuana,
25 dangerous drugs or narcotic drugs.
- 26 12. Misdemeanor offenses involving the possession or use of
27 marijuana or dangerous drugs.
- 28 13. Burglary in the first degree.
- 29 14. Burglary in the second or third degree.
- 30 15. Aggravated or armed robbery.
- 31 16. Robbery.
- 32 17. A dangerous crime against children as defined in section
33 13-705.
- 34 18. Child abuse.
- 35 19. Sexual conduct with a minor.
- 36 20. Molestation of a child.
- 37 21. Manslaughter.
- 38 22. Aggravated assault.
- 39 23. Assault.
- 40 24. Exploitation of minors involving drug offenses.

41 E. A school district may refuse to hire or may review or terminate
42 personnel who have been convicted of or admitted committing any of the
43 criminal offenses prescribed in subsection D of this section or of a
44 similar offense in another jurisdiction. A school district that is
45 considering terminating an employee pursuant to this subsection shall hold

1 a hearing to determine whether a person already employed shall be
2 terminated. In conducting a review, the governing board shall utilize the
3 guidelines, including the list of offenses that are not subject to review,
4 as prescribed by the state board of education pursuant to section 15-534,
5 subsection C. In considering whether to hire or terminate the employment
6 of a person the governing board shall take into account the following
7 factors:

8 1. The nature of the crime and the potential for crimes against
9 children.

10 2. Offenses committed as a minor for which proceedings were held
11 under the jurisdiction of a juvenile or an adult court.

12 3. Offenses that have been expunged by a court of competent
13 jurisdiction, if the person has been pardoned or if the person's sentence
14 has been commuted.

15 4. The employment record of the person since the commission of the
16 crime if the crime was committed more than ten years before the governing
17 board's consideration of whether to hire or terminate the person.

18 5. The reliability of the evidence of an admission of a crime
19 unless made under oath in a court of competent jurisdiction.

20 F. Before employment with the school district, the district shall
21 make documented, good faith efforts to contact previous employers of a
22 person to obtain information and recommendations that may be relevant to a
23 person's fitness for employment. A governing board shall adopt procedures
24 for conducting background investigations required by this subsection,
25 including one or more standard forms for use by school district officials
26 to document their efforts to obtain information from previous employers.
27 A school district may provide information received as a result of a
28 background investigation required by this section to any other school
29 district, to any other public school and to any public entity that agrees
30 pursuant to a contract or intergovernmental agreement to perform
31 background investigations for school districts or other public schools.
32 School districts and other public schools may enter into intergovernmental
33 agreements pursuant to section 11-952 and cooperative purchasing
34 agreements pursuant to rules adopted in accordance with section 15-213 for
35 the purposes of performing or contracting for the performance of
36 background investigations and for sharing the results of background
37 investigations required by this subsection. Information obtained about an
38 employee or applicant for employment by any school district or other
39 public school in the performance of a background investigation, **INCLUDING**
40 **ANY RECORDS INDICATING A CURRENT OR FORMER EMPLOYEE OF A SCHOOL OR SCHOOL**
41 **DISTRICT WAS DISCIPLINED FOR VIOLATING POLICIES OF THE SCHOOL DISTRICT**
42 **GOVERNING BOARD PURSUANT TO SECTION 15-153.01**, may be retained by that
43 school district or the other public school or by any public entity that
44 agrees pursuant to contract to perform background investigations for
45 school districts or other public schools and may be provided to any school

1 district or other public school that is performing a background
2 investigation required by this subsection.

3 G. A school district may fingerprint or require any other employee
4 of the district to obtain a fingerprint clearance card, whether paid or
5 not, or any other applicant for employment with the school district not
6 otherwise required by this section to be fingerprinted or obtain a
7 fingerprint clearance card on the condition that the school district may
8 not charge the costs of the fingerprint check or fingerprint clearance
9 card to the fingerprinted applicant or nonpaid employee.

10 H. A contractor, subcontractor or vendor or any employee of a
11 contractor, subcontractor or vendor who is contracted to provide services
12 on a regular basis at an individual school shall obtain a valid
13 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.
14 A school district governing board shall adopt policies to exempt a person
15 from the requirements of this subsection if the person's normal job duties
16 are not likely to result in independent access to or unsupervised contact
17 with pupils. A school district, its governing board members, its school
18 council members and its employees are exempt from civil liability for the
19 consequences of adoption and implementation of policies and procedures
20 pursuant to this subsection unless the school district, its governing
21 board members, its school council members or its employees are guilty of
22 gross negligence or intentional misconduct.

23 I. Subsection A of this section does not apply to a person who
24 provides instruction or other education services to a pupil, with the
25 written consent of the parent or guardian of the pupil, under a work
26 release program, advance placement course or other education program that
27 occurs off school property.

28 J. Public entities that agree pursuant to contract to perform
29 background investigations, public schools, the department of education and
30 previous employers who provide information pursuant to this section are
31 immune from civil liability unless the information provided is false and
32 is acted on by the school district to the harm of the employee and the
33 public entity, the public school, the previous employer or the department
34 of education knows the information is false or acts with reckless
35 disregard of the information's truth or falsity. A school district that
36 relies on information obtained pursuant to this section in making
37 employment decisions is immune from civil liability for use of the
38 information unless the information obtained is false and the school
39 district knows the information is false or acts with reckless disregard of
40 the information's truth or falsity.

41 K. The superintendent of a school district or chief administrator
42 of a charter school or the person's designee who is responsible for
43 implementing the governing board's policy regarding background
44 investigations required by subsection F of this section and who fails to

1 carry out that responsibility is guilty of unprofessional conduct and
2 shall be subject to disciplinary action by the state board.

3 L. A school district may hire noncertificated personnel before
4 receiving the results of the fingerprint check or a fingerprint clearance
5 card but may terminate employment if the information on the form provided
6 in subsection D of this section is inconsistent with the information
7 received from the fingerprint check or the fingerprint clearance card. In
8 addition to any other conditions or requirements deemed necessary by the
9 superintendent of public instruction to protect the health and safety of
10 pupils, noncertificated personnel who are required or allowed unsupervised
11 contact with pupils may be hired by school districts before the results of
12 a fingerprint check are received or a fingerprint clearance card is issued
13 if all of the following conditions are met:

14 1. The school district that is seeking to hire the applicant shall
15 document in the applicant's file the necessity for hiring and placement of
16 the applicant before a fingerprint check could be completed or a
17 fingerprint clearance card could be issued.

18 2. The school district that is seeking to hire the applicant shall
19 do all of the following:

20 (a) Ensure that the department of public safety completes a
21 statewide criminal history information check on the applicant. A
22 statewide criminal history information check shall be completed by the
23 department of public safety every one hundred twenty days until the date
24 that the fingerprint check is completed or the fingerprint clearance card
25 is issued or denied.

26 (b) Obtain references from the applicant's current employer and two
27 most recent previous employers except for applicants who have been
28 employed for at least five years by the applicant's most recent employer.

29 (c) Provide general supervision of the applicant until the date
30 that the fingerprint check is completed or the fingerprint clearance card
31 is issued or denied.

32 (d) Report to the superintendent of public instruction on June 30
33 and December 31 each year the number of applicants hired before the
34 completion of a fingerprint check or the issuance of a fingerprint
35 clearance card. In addition, the school district shall report the number
36 of applicants for whom fingerprint checks were not received or fingerprint
37 clearance cards were not issued after one hundred twenty days and after
38 one hundred seventy-five days of hire.

39 M. Notwithstanding any other law, this section does not apply to
40 pupils who attend school in a school district and who are also employed by
41 a school district.

42 N. A person who makes a false statement, representation or
43 certification in any application for employment with the school district
44 is guilty of a class 3 misdemeanor.

1 0. For the purposes of this section, "background investigation"
2 means any communication with an employee's or applicant's former employer
3 that concerns the education, training, experience, qualifications and job
4 performance of the employee or applicant and that is used for the purpose
5 of evaluating the employee or applicant for employment. Background
6 investigation does not include the results of any state or federal
7 criminal history records check.

8 Sec. 12. Section 36-519, Arizona Revised Statutes, is amended to
9 read:

10 36-519. Discharge of voluntary patients

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

15 B. Upon written request by a patient admitted pursuant to section
16 36-518, subsection A or by the parent, guardian or custodian of a patient
17 admitted pursuant to section 36-518, subsection C, the patient shall be
18 given a discharge within twenty-four hours after the request, excluding
19 weekends or holidays unless the medical director of the agency has
20 proceeded pursuant to section 36-531, subsections B and C and section
21 36-533. The costs of such proceedings shall be a charge against the
22 county of the patient's residence.

23 C. If the medical director of the agency finds that a patient
24 admitted voluntarily ~~is a person with~~ HAS a grave disability and requires
25 the service of a guardian or conservator or both for the protection of
26 health and property, he shall proceed pursuant to section 36-531,
27 subsections B and C and section 36-533 unless it is appropriate to
28 discharge the patient to suitable alternative arrangements for care,
29 treatment and protection.

30 D. BEFORE DISCHARGING A PATIENT, THE MEDICAL DIRECTOR OF THE
31 EVALUATION AGENCY SHALL DETERMINE IF THE PATIENT POSES A SIGNIFICANT
32 DANGER OF CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS. IF
33 IT IS DETERMINED THAT THE PATIENT POSES A SIGNIFICANT DANGER OF CAUSING
34 DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS, FOR REASONS OTHER THAN
35 MENTAL ILLNESS, THE MEDICAL DIRECTOR OF THE EVALUATION AGENCY SHALL
36 PETITION THE COURT FOR AN EMERGENCY SEVERE THREAT ORDER OF PROTECTION
37 PURSUANT TO TITLE 12, CHAPTER 10, ARTICLE 5. IN SUCH CASES, INFORMATION
38 REGARDING THE DIAGNOSIS, THE TREATMENT AND ANY ACTIONS OBSERVED DURING
39 TREATMENT MAY BE SUBSTITUTED FOR AN EVALUATION.

40 Sec. 13. Section 36-545.06, Arizona Revised Statutes, is amended to
41 read:

42 36-545.06. County services

43 A. Each county, or any combination of counties, shall provide
44 directly or by contract the services of a screening agency and an

1 evaluation agency for the purposes of TITLE 12, CHAPTER 10, ARTICLE 5 AND
2 this chapter.

3 B. On a request made by a resident of the county pursuant to this
4 chapter, a county shall be required to provide screening or evaluation.

5 C. Each county shall coordinate the provision of mental health
6 services required pursuant to this section with the administration or as
7 delegated by the administration to a regional behavioral health authority.

8 Sec. 14. Title 36, chapter 29, article 1, Arizona Revised Statutes,
9 is amended by adding section 36-2907.14, to read:

10 36-2907.14. School-based mental and behavioral health
11 training and services

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

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

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

23 Sec. 15. Section 41-1711, Arizona Revised Statutes, is amended to
24 read:

25 41-1711. Department of public safety; purpose; location;
26 qualifications of director; responsibilities;
27 center for school safety

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

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

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

41 D. The director shall be appointed by the governor pursuant to
42 section 38-211 to serve concurrently with the appointing governor and
43 ~~shall be~~ IS subject to removal for cause, including ~~but not limited to~~
44 malfeasance, misfeasance and nonfeasance in office. The director shall
45 receive annual compensation as determined pursuant to section 38-611.

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

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

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

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

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

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

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

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

43 K. The director shall establish a special hazardous materials
44 emergency response organizational unit within the department to function

1 as the initial response element of the hazardous materials emergency
2 management program pursuant to section 49-123.

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

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

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

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

32 Sec. 16. 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. 17. 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.
21 BEGINNING FROM AND AFTER OCTOBER 31, 2018, IF THE ORIGINATING LAW
22 ENFORCEMENT AGENCY, PROSECUTOR OR COURT HAS A DATA EXCHANGE SYSTEM THAT
23 ALLOWS THE ELECTRONIC TRANSFER AND SUBMISSION OF CRIMINAL HISTORY RECORD
24 INFORMATION TO THE ARIZONA COMPUTERIZED CRIMINAL HISTORY REPOSITORY, THE
25 LAW ENFORCEMENT AGENCY, PROSECUTOR OR COURT SHALL ELECTRONICALLY SUBMIT
26 DISPOSITION INFORMATION TO THE REPOSITORY WITHIN TWENTY-FOUR HOURS AFTER
27 VERIFYING THE ACCURACY OF THE INFORMATION.

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

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

44 12. Each criminal justice agency shall query the central state
45 repository before dissemination of any criminal history record information

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

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

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

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

21 Y. For the purposes of this section:

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

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

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

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

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

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

15 7. "Criminal justice agency" means either:

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

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

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

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

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

43 11. "Management control":

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

1 (i) Priorities regarding development and operation of criminal
2 justice information systems and programs.

3 (ii) Standards for the selection, supervision and termination of
4 personnel involved in the development of criminal justice information
5 systems and programs and in the collection, maintenance, analysis and
6 dissemination of criminal justice information.

7 (iii) Policies governing the operation of computers, circuits and
8 telecommunications terminals used to process criminal justice information
9 to the extent that the equipment is used to process, store or transmit
10 criminal justice information.

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

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

18 13. "Secondary dissemination" means the dissemination of criminal
19 justice information from an individual or agency that originally obtained
20 the information from the central state repository or through the Arizona
21 criminal justice information system to another individual or agency.

22 14. "Sexual orientation" means consensual homosexuality or
23 heterosexuality.

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

26 Sec. 18. Section 41-1822, Arizona Revised Statutes, is amended to
27 read:

28 41-1822. Powers and duties of board; definition

29 A. With respect to peace officer training and certification, the
30 board shall:

31 1. Establish rules for the government and conduct of the board,
32 including meeting times and places and matters to be placed on the agenda
33 of each meeting.

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

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

1 amend the qualifications at any time, subject to the requirements of
2 section 41-1823.

3 4. Prescribe minimum courses of training and minimum standards for
4 training facilities for law enforcement officers. Only this state and
5 political subdivisions of this state may conduct basic peace officer
6 training. Basic peace officer academies may admit individuals who are not
7 peace officer cadets only if a cadet meets the minimum qualifications
8 established ~~by~~ PURSUANT TO paragraph 3 of this subsection. Training shall
9 include:

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

13 (b) Training certified by the director of the department of health
14 services with assistance from a representative of the board on the nature
15 of unexplained infant death and the handling of cases involving the
16 unexplained death of an infant.

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

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

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

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

32 5. Recommend curricula for advanced courses and seminars in law
33 enforcement and intelligence training in universities, colleges and
34 community colleges, in conjunction with the governing body of the
35 educational institution.

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

42 7. PRESCRIBE TRAINING FOR ALL LAW ENFORCEMENT OFFICERS AND JUVENILE
43 PROBATION OFFICERS WHO PARTICIPATE IN A SCHOOL RESOURCE OFFICER PROGRAM.
44 AT A MINIMUM, THE TRAINING SHALL INCLUDE INFORMATION ON SCHOOL SAFETY AND

1 EMERGENCY RESPONSE PLANS, THREAT RESPONSES AND SCHOOL LAWS. THE TRAINING
2 SHALL INCLUDE ALL OF THE FOLLOWING:

3 (a) VIRTUAL OR SIMULATED ACTIVE SHOOTER TRAINING THAT IS SPECIFIC
4 TO SCHOOL SCENARIOS.

5 (b) FAIR AND IMPARTIAL POLICE TRAINING THAT INCORPORATES THE
6 PRINCIPLES OF MODERN SCIENCE AS IT RELATES TO BIAS IN POLICING, TRAINING
7 OFFICERS ON THE EFFECT OF IMPLICIT BIAS AND PROVIDES SKILLS TO REDUCE AND
8 MANAGE BIASES.

9 ~~7.~~ 8. Employ an executive director and other staff as are
10 necessary to fulfill the powers and duties of the board in accordance with
11 the requirements of the law enforcement merit system council.

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

14 1. Approve a basic training curriculum of at least two hundred
15 forty hours.

16 2. Establish uniform minimum standards. These standards shall
17 include high school graduation or the equivalent and a physical
18 examination as prescribed by the director of the state department of
19 corrections.

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

25 4. Issue a certificate of completion to any state department of
26 corrections correctional officer who satisfactorily complies with the
27 minimum standards and completes the basic training program. The board may
28 issue a certificate of completion to a state department of corrections
29 correctional officer who has received comparable training in another state
30 if the board determines that the training was at least equivalent to that
31 provided by the academy and if the person complies with the minimum
32 standards.

33 5. Establish continuing training requirements and approve
34 curricula.

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

36 1. Receive complaints of peace officer misconduct from any person,
37 request law enforcement agencies to conduct investigations and conduct
38 independent investigations into whether an officer is in compliance with
39 the qualifications established pursuant to subsection A, paragraph 3 of
40 this section.

41 2. Receive a complaint of peace officer misconduct from the
42 president or chief executive officer of a ~~board-recognized~~
43 BOARD-RECOGNIZED law enforcement association that represents the interests
44 of certified law enforcement officers if the association believes that a
45 law enforcement agency refused to investigate or made findings that are

1 contradictory to prima facie evidence of a violation of the qualifications
2 established pursuant to subsection A, paragraph 3 of this section. If the
3 board finds that the law enforcement agency refused to investigate or made
4 findings that contradicted prima facie evidence of a violation of the
5 qualifications established pursuant to subsection A, paragraph 3 of this
6 section, the board shall conduct an independent investigation to determine
7 whether the officer is in compliance with the qualifications established
8 pursuant to subsection A, paragraph 3 of this section and provide a letter
9 of the findings based on the investigation conducted by the board to the
10 president or chief executive officer of the ~~board-recognized~~
11 **BOARD-RECOGNIZED** law enforcement association who made the complaint.

12 D. The board may:

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

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

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

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

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

24 Sec. 19. Appropriation; department of public safety; virtual
25 training equipment

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

31 Sec. 20. Appropriation; department of education; school
32 resource officers

33 The sum of \$5,500,000 is appropriated from the state general fund in
34 fiscal year 2018-2019 to the department of education to add more school
35 resource officers to the school safety program established by section
36 15-154, Arizona Revised Statutes, as amended by this act. Preference
37 shall be given to school districts and charter schools that have
38 agreements to share the cost of the school resource officer.

39 Sec. 21. Appropriation; Arizona health care cost containment
40 system; mental health first aid training and
41 behavioral health services in schools

42 A. The sum of \$450,000 is appropriated from the state general fund
43 in fiscal year 2018-2019 to the Arizona health care cost containment
44 system for mental health first aid training in schools pursuant to section
45 36-2907.14, paragraph 1, Arizona Revised Statutes, as added by this act.

1 B. The sum of \$3,000,000 is appropriated from the state general
2 fund in fiscal year 2018-2019 to the Arizona health care cost containment
3 system for behavioral health services in schools pursuant to section
4 36-2907.14, paragraph 2, Arizona Revised Statutes, as added by this act.

5 Sec. 22. Appropriation; department of public safety;
6 expansion of tips and leads portal; exemption

7 A. The sum of \$125,000 is appropriated from the state general fund
8 in fiscal year 2018-2019 to the department of public safety to expand the
9 current tips and leads portal to include a campus-specific portal for
10 schools in this state that will allow for secure and anonymous reporting
11 of information to school administrators, law enforcement agencies and
12 behavioral health professionals.

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

16 Sec. 23. Appropriation; department of public safety; center
17 for school safety

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

23 Sec. 24. Appropriations; Arizona criminal justice commission;
24 upgrades to the Arizona computerized criminal
25 history repository; exemption

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

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

40 Sec. 25. Retroactivity

41 This act applies retroactively to from and after July 31, 2018.

42 (EMERGENCY NOT ENACTED)

43 Sec. 26. Emergency

1 This act is an emergency measure that is necessary to preserve the
2 public peace, health or safety and is operative immediately as provided by
3 law.