CHAPTER 311

HOUSE BILL 2860

AN ACT

AMENDING TITLE 26, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-106; AMENDING TITLE 41, CHAPTER 11, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1612; AMENDING SECTIONS 41-1712 AND 41-1730, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.1; AMENDING SECTIONS 41-2401 AND 41-2409, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2410; RELATING TO CRIMINAL JUSTICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 26, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 26-106, to read:

26-106. Anti-human trafficking grant fund

The anti-human trafficking grant fund is established consisting of monies appropriated by the Legislature. Monies in the fund are continuously appropriated. The department of emergency and military affairs shall administer the fund and distribute monies from the fund to programs to reduce human trafficking in this state. To be eligible for grant monies, an anti-human trafficking program shall do either of the following:

1. Work to reduce human trafficking by providing assistance and analytical services to law enforcement agencies.

2. Provide services to victims and training to law enforcement agencies, prosecutorial agencies and the public on preventing and identifying human trafficking.

Sec. 2. Title 41, chapter 11, article 2, Arizona Revised Statutes, is amended by adding section 41-1612, to read:

41-1612. Community treatment program for imprisoned women; rules; eligibility; requirements

A. The department shall establish a community treatment program for imprisoned women and their children. Subject to the availability of monies, the department shall contract with an experienced nonprofit entity to establish and operate a community treatment center and may transfer a woman who has recently given birth to the community treatment center to live with her child or children. The community treatment program for imprisoned women shall provide trauma-informed substance abuse treatment, mental health treatment and a secure environment for the woman and her child or children.

B. The department shall adopt rules for the community treatment program for imprisoned women, including the eligibility requirements for entering the program and living in the community treatment center. The department shall take into account public safety and generally accepted correctional practices when developing and implementing rules regarding the community treatment program.

C. The community treatment program shall provide programs and support services to assist mothers and their children in developing the skills necessary to become functioning, self-sufficient families, including:


2. Well-being and emotional supports.

3. Parenting skills.

4. Educational and employment skills.

5. Financial literacy.

6. Workforce skills training.
D. The nonprofit entity contracted pursuant to subsection A of this section shall provide pediatric care consistent with medical standards and, to the extent feasible, shall be guided by the need to provide the following:

1. A stable, caregiving, stimulating environment for the children as developed and supervised by professional guidance in the area of child development.

2. Programs that are geared to ensure the stability of the parent-child relationship during and after participating in the program and that are developed and supervised by appropriate professional guidance. At a minimum, these programs shall be geared to accomplish the following:
   (a) The mother's management of identified substance abuse.
   (b) The mother's familiarity with good parenting skills.
   (c) The mother's ability to function in the community, on community supervision or release, as a law-abiding citizen.
   (d) Securing adequate housing arrangements after participating in the program.
   (e) Securing adequate child care arrangements after participating in the program.
   (f) Engaging in productive employment after participating in the program.

3. The least restrictive alternative to incarceration and restraint possible to achieve the objectives of correction and of this section consistent with public safety and justice.

E. In the first year after the department establishes the community treatment program, subject to the availability of monies, the department shall place up to twenty women in the program. In the second year and each year thereafter, subject to the availability of monies, the department shall place up to fifty women in the program.

F. To be eligible for the program, an inmate must be a woman who gives birth to a child while imprisoned and who is scheduled to be released from imprisonment in five years or less.

G. A child who resides at the community treatment center is not subject to the same security restrictions as the prisoner except as necessary to ensure the child's safety, the security of the facility and compliance with program rules.

Sec. 3. Section 41-1712, Arizona Revised Statutes, is amended to read:

41-1712. Organization of department; divisions
A. The department shall consist of the following divisions:
   1. Arizona highway patrol.
   2. Narcotics enforcement and criminal investigation.
   4. Training and education.
5. MAJOR INCIDENT DIVISION.

B. The department may establish district headquarters and stations at various places in the state, using existing facilities wherever possible, with the personnel and equipment necessary for the proper functioning and operation of the headquarters and stations.

C. The director may establish other divisions or reserves or reorganize or consolidate the department.

Sec. 4. Section 41-1730, Arizona Revised Statutes, is amended to read:

41-1730. Department of public safety forensics fund; purposes; distributions; annual adjustment

A. The department of public safety forensics fund is established. The department shall administer the fund. Monies in the fund are subject to legislative appropriation. The department of public safety forensics fund consists of the following:

1. Monies deposited pursuant to section 12-116.01, subsection J.
2. Monies deposited pursuant to section 41-2401, subsection D, paragraphs 1 and 10.
3. Surcharge monies deposited pursuant to section 28-3396.
4. Monies contributed to the fund from any other source.

B. Monies in the department of public safety forensics fund shall be used for the following purposes:

1. Purchasing and installing fingerprint identification equipment.
2. Operating, maintaining and administering the Arizona automated fingerprint identification system and the system's remote terminals.
3. Crime laboratory operations and enhanced services.
4. Educating and training forensic scientists who are regularly employed in a crime laboratory.
5. Purchasing and maintaining scientific equipment for crime laboratory use.
6. Implementing, operating and maintaining deoxyribonucleic acid testing and administering the Arizona deoxyribonucleic acid identification system.

C. On a quarterly basis, the department of public safety shall allocate and distribute the monies in the department of public safety forensics fund that are collected pursuant to section 12-116.01 and deposited pursuant to section 41-2401, subsection D, paragraph 10. The department may use fifty-five percent of the monies for the purposes prescribed in subsection B of this section and shall distribute the remaining monies to political subdivisions that operate a crime laboratory as follows:

1. Twenty-two percent to the Phoenix police department.
2. Twelve percent to the Tucson police department.
3. Seven percent to the Mesa police department.
4. Four percent to the Scottsdale police department.
D. The distribution of monies pursuant to subsection C of this section may be adjusted annually, if appropriate, based on the crime laboratory services provided and the percentage of the state population served by each crime laboratory. The crime laboratory directors of the political subdivisions providing crime laboratory services in this state must agree on the distribution formula and allocation. The minimum allocation for a political subdivision that provides crime laboratory services is four percent.

E. For the purposes of subsections C and D of this section, "crime laboratory" means a laboratory that meets all of the following:

1. Is operated by a political subdivision.
2. Has at least one regularly employed forensic scientist who holds a minimum of a bachelor's degree in a physical or natural science.
3. Is registered as an analytical laboratory with the drug enforcement administration of the United States department of justice for the possession of all scheduled controlled substances.

Sec. 5. Title 41, chapter 12, Arizona Revised Statutes, is amended by adding article 4.1, to read:

ARTICLE 4.1. MAJOR INCIDENT DIVISION

A. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DEPARTMENT SHALL MAINTAIN A DIVISION KNOWN AS THE MAJOR INCIDENT DIVISION.

B. THE SUPERINTENDENT OF THE MAJOR INCIDENT DIVISION SHALL BE SELECTED ON THE BASIS OF TRAINING AND EXPERIENCE AND HAVE A MINIMUM OF FIVE YEARS OF EXPERIENCE IN THE ADMINISTRATION OF LAW ENFORCEMENT AND BE A CERTIFIED PEACE OFFICER.

C. THE DIRECTOR MAY ADOPT RULES GOVERNING THE POLICIES, PROCEDURES AND ADMINISTRATION OF ALL ACTIVITIES OF THE MAJOR INCIDENT DIVISION.

D. THE MAJOR INCIDENT DIVISION SHALL:

1. USE INVESTIGATORS WHO ARE CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD OR WHO WERE SWORN EMPLOYEES OF A FEDERAL, STATE, COUNTY OR LOCAL LAW ENFORCEMENT AGENCY, WHO HAVE DEMONSTRATED THE SKILLS, KNOWLEDGE, ABILITIES AND TRAINING AS APPROVED BY THE DIRECTOR AND WHO HAVE SUCCESSFULLY COMPLETED INVESTIGATIVE COURSES IDENTIFIED BY THE DIRECTOR AND APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD TO CONDUCT INDEPENDENT INVESTIGATIONS OF CRITICAL FORCE INCIDENTS.

IF AN INVESTIGATOR DESCRIBED IN THIS PARAGRAPH WAS EMPLOYED BY A FEDERAL, STATE, COUNTY OR LOCAL LAW ENFORCEMENT AGENCY, THE INVESTIGATOR MUST:

(a) HAVE RETIRED OR LEFT THE LAW ENFORCEMENT AGENCY IN GOOD STANDING.

(b) NOT HAVE BEEN UNDER INVESTIGATION AT THE TIME OF RETIREMENT OR RESIGNATION FROM THE LAW ENFORCEMENT AGENCY.

(c) NOT HAVE RETIRED OR RESIGNED IN LIEU OF TERMINATION OR DISCIPLINE.
(d) IF A VETERAN OF THE UNITED STATES MILITARY, HAVE BEEN HONORABLY DISCHARGED.

2. AT THE WRITTEN REQUEST OF A CHIEF OF POLICE OR A COUNTY SHERIFF, INVESTIGATE A CRIMINAL ALLEGATION AGAINST A PEACE OFFICER WHO IS EMPLOYED BY THE LAW ENFORCEMENT AGENCY.

E. EACH LAW ENFORCEMENT AGENCY IN THIS STATE SHALL REQUIRE THE MAJOR INCIDENT DIVISION, A REGIONAL LAW ENFORCEMENT TASK FORCE OR ANOTHER LAW ENFORCEMENT AGENCY TO PERFORM THE CRIMINAL INVESTIGATION OF ANY CRITICAL FORCE INCIDENTS IN THIS STATE.

F. FOR THE PURPOSES OF THIS SECTION, “CRITICAL FORCE INCIDENT” MEANS:

1. ANY DISCHARGE OF A FIREARM BY A PEACE OFFICER, DUE TO A USE OF FORCE ENCOUNTER, REGARDLESS OF WHETHER IT RESULTS IN THE INJURY OR DEATH OF AN INDIVIDUAL.

2. AN INCIDENT INVOLVING A PEACE OFFICER’S INTENDED USE OF DEADLY FORCE OR USE OF FORCE BY ANY OTHER MEANS THAT RESULTS IN DEATH OR SERIOUS BODILY INJURY OF ANOTHER PERSON, EITHER DURING AN ON-DUTY INCIDENT OR OFF-DUTY INCIDENT WHILE ACTING UNDER THE COLOR OF AUTHORITY.

Sec. 6. Section 41-2401, Arizona Revised Statutes, is amended to read:

41-2401. Criminal justice enhancement fund

A. The criminal justice enhancement fund is established consisting of monies collected pursuant to section 12-116.01 and monies available from any other source. The state treasurer shall administer the fund.

B. On or before November 1 of each year, each department, agency or office that receives monies pursuant to this section shall provide to the Arizona criminal justice commission a report for the preceding fiscal year. The report shall be in a form prescribed by the Arizona criminal justice commission. The report shall set forth the sources of all monies and all expenditures. The report shall not include any identifying information about specific investigations.

C. On or before December 1 of each year, the Arizona criminal justice commission shall compile all reports into a single comprehensive report and shall submit a copy of the comprehensive report to the governor, the president of the senate, the speaker of the house of representatives and the director of the joint legislative budget committee.

D. On the first day of each month, the state treasurer shall distribute or deposit:

1. 19.09 20.81 percent in the department of public safety forensics fund established by section 41-1730.

2. 1.84 3.57 percent to the department of juvenile corrections for the treatment and rehabilitation of youth who have committed drug-related offenses.
3. 18.97 percent in the peace officers' training fund established by section 41-1825.
4. 3. 3.45 5.18 percent in the prosecuting attorneys' advisory council training fund established by section 41-1830.03.
5. 4. 10.66 12.38 percent to the supreme court for the purpose of reducing juvenile crime.
6. 5. 0.29 10.01 percent to the department of public safety for allocation to state and local law enforcement authorities for the following purposes:
   (a) To enhance projects that are designed to prevent residential and commercial burglaries, to control street crime, including the activities of criminal street gangs, and to locate missing children.
   (b) To provide support to the Arizona automated fingerprint identification system.
   (c) Operational costs of the criminal justice information system.
7. 6. 10.66 12.38 percent to the department of law for allocation to county attorneys for the purpose of enhancing prosecutorial efforts.
8. 7. 6.66 8.59 percent to the supreme court for the purpose of enhancing the ability of the courts to process criminal and delinquency cases, orders of protection, injunctions against harassment and any proceeding relating to domestic violence matters, for auditing and investigating persons or entities licensed or certified by the supreme court and for processing judicial discipline cases. Notwithstanding section 12-143, subsection A, the salary of superior court judges pro tempore who are appointed for the purposes provided in this paragraph shall, and the salary of other superior court judges pro tempore who are appointed pursuant to section 12-141 for the purposes provided in this paragraph may, be paid in full by the monies received pursuant to this paragraph.
9. 8. 13.34 15.06 percent to the county sheriffs for the purpose of enhancing county jail facilities and operations, including county jails under the jurisdiction of county jail districts.
10. 9. 1.79 3.52 percent to the Arizona criminal justice commission.
11. 10. 2.66 4.34 percent in the department of public safety forensics fund established by section 41-1730.
12. 11. 2.49 4.16 percent to the supreme court for the purpose of providing drug treatment services to adult probationers through the community punishment program established in title 12, chapter 2, article 11.
E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9 and 10 of this section constitute a continuing appropriation. Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 6, 10 4, 7, 9 and 11 of this section are subject to legislative appropriation.
F. The portion of the monies for direct operating expenses of the department of public safety in subsection D, paragraph 6 of this section is subject to legislative appropriation. The remainder of the monies in subsection D, paragraph 6 of this section, including the portion for local law enforcement, is continuously appropriated.

G. The allocation of monies pursuant to subsection D, paragraphs 5, 6, 7, AND 8 of this section shall be made in accordance with rules adopted by the Arizona criminal justice commission pursuant to section 41-2405.

Sec. 7. Section 41-2409, Arizona Revised Statutes, is amended to read:

41-2409. State aid; administration; report
A. The Arizona criminal justice commission shall administer the state aid to county attorneys fund established by section 11-539. By OR BEFORE September 1 of each year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three-year average of the total felony filings in the superior court in the county, divided by the statewide three-year average of the total felony filings in the superior court.
2. The county population, as adopted by the Department of Economic Security, divided by the statewide population, as adopted by the Department of Economic Security.
3. The sum of paragraphs 1 and 2 of this subsection divided by two equals the composite index.

4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

B. The board of supervisors in each county shall separately account for the monies transmitted pursuant to subsection A of this section and may expend these monies only for the purposes specified in section 11-539. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-539.

C. The Arizona criminal justice commission shall administer the state aid to indigent defense fund established by section 11-588. By September 1 of each fiscal year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three-year average of the total felony filings in the superior court in the county divided by the statewide three-year average of the total felony filings in the superior court.
2. The county population, as adopted by the Department of Economic Security, divided by the statewide population, as adopted by the Department of Economic Security.
population, as adopted by the department of economic security OFFICE OF ECONOMIC OPPORTUNITY.

3. The sum of paragraphs 1 and 2 OF THIS SUBSECTION divided by two equals the composite index.

4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

D. The board of supervisors shall separately account for the monies transmitted pursuant to subsection C of this section and may expend these monies only for the purposes specified in section 11-588. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-588.


F. THE BOARD OF SUPERVISORS SHALL SEPARATELY ACCOUNT FOR THE MONIES DISTRIBUTED PURSUANT TO SUBSECTION E OF THIS SECTION AND MAY SPEND THESE MONIES ONLY FOR THE PURPOSES SPECIFIED IN SECTION 41-2410. THE COUNTY TREASURER SHALL INVEST THESE MONIES AND INTEREST EARNED SHALL BE SPENT ONLY FOR THE PURPOSES SPECIFIED IN SECTION 41-2410.

G. By January 8, 2001 and by ON OR BEFORE January 8 each year thereafter, the commission shall report to each county board of supervisors, the governor, the legislature, the joint legislative budget committee, the chief justice of the supreme court and the attorney general on the expenditure of the monies in the state aid to county attorneys fund and the state aid to indigent defense fund for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing.

Sec. 8. Title 41, chapter 21, article 1, Arizona Revised Statutes, is amended by adding section 41-2410, to read:

41-2410. State aid for juvenile dependency proceedings fund; exemption

A. THE STATE AID FOR JUVENILE DEPENDENCY PROCEEDINGS FUND IS ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS. MONIES IN THE FUND SHALL BE USED TO PROVIDE STATE AID TO COUNTY PUBLIC DEFENDERS, LEGAL DEFENDERS AND CONTRACT INDIGENT DEFENSE COUNSEL FOR THE PROCESSING OF JUVENILE DEPENDENCY CASES.
B. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. THE COMMISSION SHALL DISTRIBUTE MONIES IN THE FUND TO EACH COUNTY PURSUANT TO SECTION 41-2409, SUBSECTION E.

C. ON NOTICE FROM THE COMMISSION, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENTS SHALL BE CREDITED TO THE FUND.

Sec. 9. Attorney general; compensation; outside counsel
Notwithstanding section 41-191, subsection D, Arizona Revised Statutes, the attorney general may compensate counsel appointed in suits to enforce state or federal statutes pertaining to antitrust, restraint of trade or price-fixing activities or conspiracies pursuant to sections 41-4801, 41-4802, 41-4803 and 41-4804, Arizona Revised Statutes, at a rate that may exceed $50 per hour.

Sec. 10. Effective date
Section 41-1712, Arizona Revised Statutes, as amended by this act, and title 41, chapter 12, article 4.1, Arizona Revised Statutes, as added by this act, are effective from and after June 30, 2025.

APPROVED BY THE GOVERNOR JUNE 28, 2022.