CHAPTEER 378

HOUSE BILL 2347

AN ACT

AMENDING SECTION 38-1110, ARIZONA REVISED STATUTES; RELATING TO LAW ENFORCEMENT OFFICERS.

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

Section 1. Section 38-1110, Arizona Revised Statutes, is amended to read:

38-1110. Time limitation on disciplinary action against law enforcement officer; exceptions

A. An employer shall make a good faith effort to complete any investigation of employee misconduct within one hundred eighty calendar days after the employer receives notice of the allegation by a person authorized by the employer to initiate an investigation of the misconduct. The investigation is considered complete on the date the employee is served with the notice of discipline or the notice of findings. Before the employer exceeds the one hundred eighty calendar day limit, the employer shall provide the employee with a written explanation containing the reasons the investigation continued beyond one hundred eighty calendar days. The employer may continue the investigation beyond the one hundred eighty-calendar-day period only if it is demonstrated that additional time is necessary to obtain or review evidence. Before the employer exceeds the one hundred eighty-calendar-day limit, the employer shall provide the employee with a written explanation of the reasons the investigation continued beyond one hundred eighty calendar days. Except as provided in subsection C, paragraph 6, of this section any extension may not exceed one hundred eighty calendar days. Subject to the conditions in subsection B of this section, if the investigation is not complete at the conclusion of the extension period, the matter shall be dismissed.

B. The time limitation set forth in subsection A does not preclude the employer from initiating a new investigation of the employee for misconduct upon newly discovered material evidence that could not with reasonable diligence have been discovered during the initial one hundred eighty calendar day limitation or any extension.

C. The limitation period established by subsection A of this section:

1. Is suspended during the time that any criminal investigation or prosecution is pending in connection with the act, omission or other allegation of misconduct.

2. Is suspended during the period of time in which a law enforcement officer who is involved in the investigation is incapacitated or otherwise unavailable.

3. May be suspended for a period prescribed in a written waiver of the limitation by the law enforcement officer.

4. May be suspended for emergencies or natural disasters during the time period in which the governor has declared a state of emergency within the jurisdictional boundaries of the concerned employer.

5. In a multijurisdictional investigation, may be extended for a period of time reasonably necessary to facilitate the coordination of the employers involved.
6. FOR ANY EMPLOYER SUBJECT TO SUPERVISION BY A COURT ORDERED
MONITOR, THE ONETIME EXTENSION PROVIDED IN SUBSECTION A OF THIS SECTION
SHALL BE THREE HUNDRED SIXTY DAYS.

C. D. On an appeal of discipline by the employee, a hearing
officer, administrative law judge or appeals board may SHALL dismiss the
discipline if it is determined that the employer did not make a good faith
effort to complete the investigation within one hundred eighty calendar
days OR ANY EXTENSION. The allegation regarding any act, omission or
other misconduct may be sustained, and the employee's record shall reflect
that the allegation was sustained but no discipline was administered due
to the finding of the hearing officer, administrative law judge or appeals
board that the employer did not make a good faith effort to complete the
investigation in one hundred eighty calendar days OR ANY EXTENSION. The
sustained discipline may be considered when determining discipline in any
future sustained misconduct allegation. If the employer determines that
disciplinary action is appropriate, the employer shall complete the
employer's investigation and give notice in writing to the law enforcement
officer of the employer's intent to proceed with disciplinary action,
along with a proposal of the specific action sought, including length of
suspension, if applicable.

E. E. This section does not apply to a law enforcement officer who
is employed by an agency of this state as an at will employee.

APPROVED BY THE GOVERNOR JULY 6, 2022.