

House Engrossed

~~criminal justice case information; reporting~~
(now: reporting; criminal justice case information)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2190

AN ACT

AMENDING TITLE 41, CHAPTER 17, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-2202; RELATING TO CRIMINAL JUSTICE INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 17, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-2202, to read:

4 41-2202. Uniform criminal justice data collection; reporting
5 requirements; public access; withholding of monies
6 for noncompliance; definitions

7 A. BEGINNING NOVEMBER 1, 2022 AND EVERY SIX MONTHS THEREAFTER, THE
8 ATTORNEY GENERAL AND EACH COUNTY ATTORNEY FROM A COUNTY WITH A POPULATION
9 OF TWO HUNDRED THOUSAND PERSONS OR MORE SHALL MAKE A REPORT THAT INCLUDES
10 THE NUMBER OF FELONY CASES THAT:

11 1. ARE CHARGED BY THE RESPECTIVE PROSECUTOR'S OFFICE THROUGH AN
12 INDICTMENT OR INFORMATION.

13 2. ARE RESOLVED BY THE RESPECTIVE PROSECUTOR'S OFFICE THROUGH A
14 PLEA AGREEMENT AND WHETHER THE DEFENDANT PLEADED EITHER:

15 (a) GUILTY.

16 (b) NO CONTEST.

17 3. ARE PRESENTED BY THE RESPECTIVE PROSECUTOR FOR BENCH OR JURY
18 TRIAL CONSIDERATION AND WHETHER THE CASE ENDED WITH:

19 (a) A FINDING OF GUILT.

20 (b) A FINDING OF GUILTY EXCEPT INSANE.

21 (c) AN ACQUITTAL.

22 (d) A DISMISSAL BASED ON A FINDING THAT THE DEFENDANT IS
23 INCOMPETENT TO STAND TRIAL.

24 (e) A SPLIT DECISION WHEN THERE IS A HUNG JURY.

25 4. A FIRST TIME FELONY OFFENDER RECEIVED A SENTENCE OF:

26 (a) PROBATION.

27 (b) LESS THAN ONE YEAR OF IMPRISONMENT.

28 (c) ONE YEAR OR MORE BUT LESS THAN THREE YEARS OF IMPRISONMENT.

29 (d) THREE YEARS OR MORE BUT LESS THAN FIVE YEARS OF IMPRISONMENT.

30 (e) FIVE YEARS OR MORE BUT LESS THAN TEN YEARS OF IMPRISONMENT.

31 (f) TEN YEARS OR MORE OF IMPRISONMENT.

32 (g) DEATH.

33 5. A REPETITIVE FELONY OFFENDER RECEIVED A SENTENCE OF:

34 (a) PROBATION.

35 (b) LESS THAN ONE YEAR OF IMPRISONMENT.

36 (c) ONE YEAR OR MORE BUT LESS THAN THREE YEARS OF IMPRISONMENT.

37 (d) THREE YEARS OR MORE BUT LESS THAN FIVE YEARS OF IMPRISONMENT.

38 (e) FIVE YEARS OR MORE BUT LESS THAN TEN YEARS OF IMPRISONMENT.

39 (f) TEN YEARS OR MORE OF IMPRISONMENT.

40 (g) DEATH.

41 B. FOR EACH INDIVIDUAL CASE THAT IS INCLUDED IN THE REPORT REQUIRED
42 BY SUBSECTION A OF THIS SECTION, THE RESPECTIVE PROSECUTOR'S OFFICE SHALL
43 INCLUDE ALL OF THE FOLLOWING:

44 1. THE DEFENDANT'S AGE.

45 2. THE DEFENDANT'S RACE AS DEFINED BY THE UNITED STATES CENSUS
46 BUREAU.

47 3. THE DEFENDANT'S SEX.

- 1 4. THE INCIDENT DATE.
- 2 5. THE COUNTY, CITY OR TOWN AND ZIP CODE OF THE ARREST OR CITATION,
- 3 IF APPLICABLE.
- 4 6. A LIST OF ALL OF THE DEFENDANT'S ALLEGED PRIOR FELONY
- 5 CONVICTIONS.
- 6 7. WHETHER DIVERSION WAS OFFERED TO THE DEFENDANT AND IF OFFERED:
- 7 (a) THE DATE OF THE DIVERSION OFFER.
- 8 (b) WHETHER THE DEFENDANT ACCEPTED THE DIVERSION OFFER.
- 9 (c) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED DIVERSION.
- 10 8. IF REQUESTED BY THE PROSECUTOR, THE RELEASE CONDITIONS
- 11 REQUESTED, INCLUDING THE BAIL OR BOND AMOUNT REQUESTED.
- 12 9. IF THE DEFENDANT ACCEPTED A PLEA AGREEMENT, ALL OF THE CHARGES
- 13 TO WHICH THE DEFENDANT PLED GUILTY.
- 14 10. WHETHER A SUBSEQUENT PLEA WAS OFFERED AND THE FINAL DISPOSITION
- 15 OF THE PLEA WITH REGARD TO THE NUMBER OF CHARGES AND CLASS OF FELONY.
- 16 11. THE DISPOSITION OF EACH CHARGE OF THE CASE, INCLUDING:
- 17 (a) WHETHER THE CASE OR CHARGES WERE DISMISSED BY OR ON MOTION OF
- 18 THE PROSECUTOR.
- 19 (b) ALL CHARGES OF WHICH THE DEFENDANT WAS CONVICTED, IF ANY.
- 20 (c) IF THE DEFENDANT WAS CONVICTED, WHETHER THE CONVICTION OCCURRED
- 21 BY PLEA, JURY TRIAL OR BENCH TRIAL.
- 22 (d) IF THE CASE WAS DISMISSED, THE REASON FOR DISMISSAL.
- 23 (e) THE PERCENTAGE OF CASES BROUGHT BY LAW ENFORCEMENT THAT THE
- 24 PROSECUTOR DECLINED TO PROSECUTE.
- 25 (f) IF NO CHARGE WAS FILED.
- 26 12. THE DISPOSITION DATE.
- 27 13. THE TYPE OF SENTENCE IMPOSED, INCLUDING PRISON, SUPERVISED
- 28 PROBATION OR UNSUPERVISED PROBATION.
- 29 14. THE LENGTH OF THE SENTENCE.
- 30 15. THE TERMS OF ANY SUPERVISION THAT WAS IMPOSED, INCLUDING
- 31 STANDARD OR INTENSIVE PROBATION AND ELECTRONIC MONITORING.
- 32 16. WHETHER THE DEFENDANT WAS PLACED ON PROBATION FOLLOWING A
- 33 PRISON SENTENCE.
- 34 17. WHETHER THE COURT IMPOSED A FINE.
- 35 18. THE FINAL RESTITUTION AMOUNT OWED, IF ANY.
- 36 19. WHETHER THE CONVICTION REQUIRED THE FORFEITURE OF ANY PROPERTY.
- 37 C. BEGINNING NOVEMBER 1, 2022 AND EVERY SIX MONTHS THEREAFTER, THE
- 38 ATTORNEY GENERAL AND EACH COUNTY ATTORNEY FROM A COUNTY WITH A POPULATION
- 39 OF TWO HUNDRED THOUSAND PERSONS OR MORE THAT PROSECUTES ANY OF THE
- 40 FOLLOWING CHARGES SHALL MAKE A REPORT OF EACH APPLICABLE INDIVIDUAL
- 41 CHARGE, INCLUDING ANY PREPARATORY OFFENSES UNDER TITLE 13, CHAPTER 10,
- 42 THAT INCLUDES THE DRUG TYPE AND WEIGHT IN GRAMS OR POUNDS OF THE DRUGS
- 43 INVOLVED, EXCEPT THAT IF THE ARRESTING OFFICER DID NOT RECORD A SPECIFIC
- 44 WEIGHT, THE INFORMATION MAY INCLUDE THE WORDS, "NOT COLLECTED":
- 45 1. POSSESSION OR USE OF MARIJUANA OR MARIJUANA CONCENTRATES.
- 46 2. POSSESSION OR USE OF A DANGEROUS DRUG.
- 47 3. POSSESSION OR USE OF A NARCOTIC DRUG.

1 4. POSSESSION OR USE OF A PRESCRIPTION-ONLY DRUG.
2 5. POSSESSION FOR SALE OF MARIJUANA.
3 6. POSSESSION FOR SALE OF A DANGEROUS DRUG.
4 7. POSSESSION FOR SALE OF A NARCOTIC DRUG.
5 8. POSSESSION OF EQUIPMENT OR CHEMICALS, OR BOTH, FOR THE PURPOSE
6 OF MANUFACTURING A DANGEROUS DRUG.
7 9. POSSESSION OF EQUIPMENT OR CHEMICALS, OR BOTH, FOR THE PURPOSE
8 OF MANUFACTURING A NARCOTIC DRUG.
9 10. MANUFACTURING A DANGEROUS DRUG.
10 11. MANUFACTURING A NARCOTIC DRUG.
11 12. ADMINISTERING A DANGEROUS DRUG TO ANOTHER PERSON.
12 13. ADMINISTERING A NARCOTIC DRUG TO ANOTHER PERSON.
13 14. OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG
14 BY FRAUD, DECEIT, MISREPRESENTATION OR SUBTERFUGE.
15 15. OBTAINING OR PROCURING THE ADMINISTRATION OF A NARCOTIC DRUG BY
16 FRAUD, DECEIT, MISREPRESENTATION OR SUBTERFUGE.
17 16. TRANSPORTING FOR SALE, IMPORTING INTO THIS STATE OR OFFERING TO
18 TRANSPORT FOR SALE OR IMPORT INTO THIS STATE, SELLING, TRANSFERRING OR
19 OFFERING TO SELL OR TRANSFER MARIJUANA.
20 17. TRANSPORTING FOR SALE, IMPORTING INTO THIS STATE OR OFFERING TO
21 TRANSPORT FOR SALE OR IMPORT INTO THIS STATE, SELLING, TRANSFERRING OR
22 OFFERING TO SELL OR TRANSFER A DANGEROUS DRUG.
23 18. TRANSPORTING FOR SALE, IMPORTING INTO THIS STATE OR OFFERING TO
24 TRANSPORT FOR SALE OR IMPORT INTO THIS STATE, SELLING, TRANSFERRING OR
25 OFFERING TO SELL OR TRANSFER A NARCOTIC DRUG.
26 D. THE PROSECUTOR MAY NOT LEAVE ANY BLANK RESPONSES IN THE REPORTS
27 THAT ARE REQUIRED UNDER SUBSECTIONS A, B AND C OF THIS SECTION AND SHALL
28 USE THE FOLLOWING WORDS IF INFORMATION IS NOT AVAILABLE FOR A REPORT:
29 1. "NOT COLLECTED" FOR ANY DATA THAT IS MISSING FROM A REPORT
30 BECAUSE THE OFFICE FAILED TO OBTAIN OR REPORT THE DATA.
31 2. "TO BE DETERMINED" FOR ANY DATA THAT IS MISSING FROM THE REPORT
32 BECAUSE THE REQUESTED DATA HAS NOT BEEN OBTAINED AS OF THE DATE OF THE
33 REPORT.
34 3. "NOT APPLICABLE" FOR ANY DATA THAT DOES NOT APPLY TO THE
35 SPECIFIC CASE.
36 4. "REFUSED" FOR ANY DATA THAT THE INDIVIDUAL CHOSE NOT TO PROVIDE.
37 5. "MISSING" FOR ANY DATA THAT IS MISSING.
38 E. BEGINNING NOVEMBER 1, 2023, THE DIRECTOR OF THE ARIZONA CRIMINAL
39 JUSTICE COMMISSION IS DESIGNATED AS THE CENTRAL COLLECTION POINT FOR
40 CRIMINAL JUSTICE DATA REPORTS. THE ARIZONA CRIMINAL JUSTICE COMMISSION
41 SHALL DETERMINE THE METHOD FOR EACH COUNTY ATTORNEY AND THE ATTORNEY
42 GENERAL TO TRANSMIT THE REPORTS PRESCRIBED BY SUBSECTIONS A, B AND C OF
43 THIS SECTION TO THE ATTORNEY GENERAL. THE DIRECTOR OR THE APPOINTED
44 MEMBERS ON THE COMMISSION, OR BOTH, SHALL REVIEW AND CONSOLIDATE THE DATA
45 WITHIN SIXTY DAYS AFTER RECEIVING THE DATA OR AT THE NEXT SCHEDULED
46 COMMISSION BOARD MEETING FOLLOWING THE RECEIPT OF THE DATA. THE ARIZONA
47 CRIMINAL JUSTICE COMMISSION SHALL CALCULATE THE OVERALL RECIDIVISM RATE OF

1 ALL PRISONERS WHO ARE RELEASED FROM PRISON FOR FIVE, TEN AND FIFTEEN YEARS
2 AFTER THE PRISONER'S RELEASE. RECIDIVISM SHALL BE SEPARATELY CALCULATED
3 BY RECONVICTION, REINCARCERATION AND REARREST. THE DIRECTOR OF THE
4 ARIZONA CRIMINAL JUSTICE COMMISSION SHALL SUBMIT THE COMMISSION'S
5 RECOMMENDATIONS, THE RECIDIVISM RATES AND THE CONSOLIDATED DATA REPORT TEN
6 CALENDAR DAYS AFTER THE SIXTIETH DAY OR TEN CALENDAR DAYS AFTER THE
7 COMMISSION BOARD ADJOURNS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER IN THE
9 HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER IN THE SENATE. THE
10 ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ENSURE THAT THE REPORTING IS
11 COMPLETED IN A UNIFORM AND CONSISTENT MANNER.

12 F. BEGINNING NOVEMBER 1, 2023 AND EVERY SIX MONTHS THEREAFTER, EACH
13 COUNTY ATTORNEY FROM A COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND
14 PERSONS OR MORE SHALL TRANSMIT THE REPORTS PRESCRIBED BY SUBSECTIONS A, B
15 AND C OF THIS SECTION TO THE ARIZONA CRIMINAL JUSTICE COMMISSION.

16 G. BEGINNING NOVEMBER 1, 2023 AND EVERY SIX MONTHS THEREAFTER, THE
17 ARIZONA CRIMINAL JUSTICE COMMISSION SHALL PUBLISH THE REPORTS PRESCRIBED
18 BY SUBSECTIONS A, B AND C OF THIS SECTION, INCLUDING THE AGGREGATE AND
19 CASE-LEVEL DATA REQUIRED FOR THE REPORTS, ON THE ARIZONA CRIMINAL JUSTICE
20 COMMISSION'S WEBSITE IN A MODERN, OPEN, ELECTRONIC FORMAT THAT IS
21 MACHINE-READABLE, MACHINE-SEARCHABLE AND READILY ACCESSIBLE TO THE PUBLIC.
22 THE PUBLISHED REPORTS MAY NOT CONTAIN INDIVIDUALIZED OR IDENTIFYING
23 PERSONAL INFORMATION ABOUT ANY PERSON WHO IS ARRESTED OR PROSECUTED.

24 H. BEGINNING NOVEMBER 1, 2022 AND EVERY SIX MONTHS THEREAFTER, EACH
25 COUNTY ATTORNEY FROM A COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND
26 PERSONS OR MORE SHALL MAKE PUBLICLY AVAILABLE ON EACH COUNTY ATTORNEY'S
27 WEBSITE THE AGGREGATE AND CASE-LEVEL DATA INCLUDED IN THE CRIMINAL CASE
28 REPORTS PRESCRIBED BY SUBSECTIONS A, B AND C OF THIS SECTION. THE DATA
29 MUST INCLUDE THE DATE THAT THE INFORMATION WAS COLLECTED.

30 I. BEGINNING NOVEMBER 1, 2022, EACH COUNTY ATTORNEY AND PUBLIC
31 DEFENDER'S OFFICE FROM A COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND
32 PERSONS OR MORE SHALL ANNUALLY PUBLISH THE FOLLOWING INFORMATION ON THE
33 OFFICE'S WEBSITE:

- 34 1. THE NUMBER OF ATTORNEYS ON THE OFFICE'S STAFF.
- 35 2. THE NUMBER OF CASES ASSIGNED PER YEAR PER ATTORNEY.
- 36 3. THE NUMBER OF ATTORNEYS WHO WORKED FOR THE OFFICE IN A TEMPORARY
37 OR CONTRACT CAPACITY DURING THE PREVIOUS CALENDAR YEAR.
- 38 4. THE NUMBER OF PARALEGALS AND ADMINISTRATIVE STAFF WHO ARE
39 EMPLOYED BY THE OFFICE.
- 40 5. THE NUMBER OF INVESTIGATORS WHO ARE USED BY THE OFFICE DURING
41 THE PREVIOUS CALENDAR YEAR, WHETHER ON STAFF OR OTHERWISE.
- 42 6. THE TOTAL EXPENSES FOR COMPENSATION OF EXPERTS WHO ARE USED BY
43 THE OFFICE DURING THE PREVIOUS CALENDAR YEAR, WHETHER ON STAFF OR
44 OTHERWISE, INCLUDING THE USE OF AN EXPERT WHO IS A POLICE OFFICER OR WHO
45 WORKS FOR A POLICE AGENCY.

46 J. NOTWITHSTANDING ANY OTHER LAW, IF THE ATTORNEY GENERAL
47 DETERMINES THAT A COUNTY ATTORNEY IS NOT COMPLYING WITH THIS SECTION, THE

1 ATTORNEY GENERAL SHALL COMPEL COMPLIANCE BY WITHHOLDING THE DISTRIBUTION
2 TO THE COUNTY ATTORNEY OF MONIES THAT THE ATTORNEY GENERAL
3 ADMINISTERS. THE ATTORNEY GENERAL MAY RESTORE FUNDING ONLY AFTER THE
4 COUNTY ATTORNEY FULLY COMPLIES WITH THIS SECTION AND PROVIDES THE REQUIRED
5 INFORMATION FROM THE DATE OF NONCOMPLIANCE THROUGH THE CURRENT DATE AND
6 AFTER THE ATTORNEY GENERAL COMPLETES A COMPLIANCE REVIEW AND CERTIFIES
7 THAT THE COUNTY ATTORNEY IS IN COMPLIANCE.

8 K. FOR THE PURPOSES OF THIS SECTION:

9 1. "CASE" MEANS ALL THE CHARGES THAT ARE ASSOCIATED WITH THE SAME
10 DEFENDANT AND THAT ARE FILED IN COURT ON THE SAME DATE, EXCEPT THAT A CASE
11 INVOLVING MULTIPLE DEFENDANTS IS COUNTED SEPARATELY FOR EACH CODEFENDANT.

12 2. "CHARGE" MEANS A CRIMINAL ACCUSATION BY A PROSECUTOR'S OFFICE
13 THAT A PERSON COMMITTED AN ACT IN VIOLATION OF AN ORDINANCE, CITATION,
14 SUMMARY OR STATUTE DEFINING AN OFFENSE AND INCLUDES ACCUSATIONS BROUGHT BY
15 TICKET, CITATION, INFORMATION, COMPLAINT, INDICTMENT OR OTHER CHARGING
16 INSTRUMENT.

17 3. "CONSIDERATION" MEANS A JURY IS EMPANELED AND SWORN IN TO
18 CONSIDER THE CHARGES OR, IN THE CASE OF A BENCH TRIAL, AT LEAST ONE
19 WITNESS TESTIFIES.

20 4. "DISPOSITION" MEANS THE CONCLUSION OF THE PROSECUTION OF ANY
21 CHARGE BY A PLEA OF NO CONTEST, DIVERSION, DISMISSAL, DISMISSAL AS PART OF
22 A PLEA AGREEMENT, DECLINATION OF PROSECUTION, CONVICTION AS PART OF A PLEA
23 AGREEMENT, CONVICTION AT TRIAL, ACQUITTAL OR ANY OTHER MEANS.

24 5. "PROSECUTOR" MEANS THE ATTORNEY GENERAL, DEPUTY ATTORNEY
25 GENERAL, COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY.

26 Sec. 2. Legislative intent

27 The legislature intends to implement a model for uniform criminal
28 justice data collection by requiring each county attorney and the attorney
29 general to report complete, accurate and timely data about their
30 respective criminal prosecutions and to make this information available to
31 the public. The legislature finds that implementing a uniform criminal
32 justice data collection model is an important state interest and promotes
33 criminal justice data transparency.

34 Sec. 3. Applicability

35 This act applies to criminal justice data that is collected after
36 the effective date of this act.