

REFERENCE TITLE: **peace officers; force; prohibited rules**

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

HB 2553

Introduced by
Representative Kavanagh: Senators Barto, Boyer

AN ACT

**AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 38-1117; RELATING TO LAW ENFORCEMENT OFFICERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 38, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 38-1117, to read:
4 38-1117. Law enforcement officers; use of physical force or
5 deadly force; prohibited policies, rules or
6 directives; definition
7 A. A GOVERNMENT BODY MAY NOT ADOPT A POLICY, RULE OR DIRECTIVE THAT
8 PROHIBITS A LAW ENFORCEMENT OFFICER FROM USING PHYSICAL FORCE WHEN THE USE
9 IS ALLOWED BY LAW UNLESS THE POLICY, RULE OR DIRECTIVE INCLUDES A
10 STATEMENT THAT ANY NONFORCE TACTICS REQUIRED TO BE USED FIRST BY
11 DEPARTMENTAL POLICY, RULE OR DIRECTIVE BEFORE PHYSICAL FORCE CAN BE USED
12 ARE ONLY REQUIRED IN SITUATIONS WHERE A REASONABLE PERSON WOULD CONCLUDE
13 THAT THE USE OF THE NONFORCE TACTICS WOULD NOT EXPOSE THE LAW ENFORCEMENT
14 OFFICER OR ANOTHER PERSON TO THE THREAT OF PHYSICAL INJURY, SERIOUS
15 PHYSICAL INJURY OR DEATH.
16 B. A GOVERNMENT BODY MAY NOT ADOPT A POLICY, RULE OR DIRECTIVE THAT
17 PROHIBITS A LAW ENFORCEMENT OFFICER FROM USING DEADLY PHYSICAL FORCE WHEN
18 THE USE IS ALLOWED BY LAW UNLESS THE POLICY, RULE OR DIRECTIVE INCLUDES A
19 STATEMENT THAT ANY NONFORCE TACTICS OR LEVEL OF FORCE LESS THAN DEADLY
20 PHYSICAL FORCE REQUIRED TO BE USED FIRST BY DEPARTMENTAL POLICY, RULE OR
21 DIRECTIVE BEFORE DEADLY PHYSICAL FORCE CAN BE USED ARE ONLY REQUIRED IN A
22 SITUATION WHERE A REASONABLE PERSON WOULD CONCLUDE THAT THE USE OF THE
23 NONFORCE TACTICS OR LEVEL OF FORCE LESS THAN DEADLY PHYSICAL FORCE WOULD
24 NOT EXPOSE THE LAW ENFORCEMENT OFFICER OR ANOTHER PERSON TO THE THREAT OF
25 PHYSICAL INJURY, SERIOUS PHYSICAL INJURY OR DEATH.
26 C. A GOVERNMENT BODY MAY NOT ADOPT A POLICY, RULE OR DIRECTIVE THAT
27 PROHIBITS A LAW ENFORCEMENT OFFICER FROM USING A DEFENSIVE TACTIC IF THE
28 USE OF THAT TACTIC IN A PARTICULAR SITUATION WOULD OTHERWISE BE ALLOWED
29 UNDER LAW UNLESS THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
30 HAS DETERMINED THAT THE TACTIC SHOULD NOT BE USED IN THE SITUATION.
31 D. FOR THE PURPOSES OF THIS SECTION, "GOVERNMENT BODY" INCLUDES A
32 LAW ENFORCEMENT AGENCY OR DEPARTMENT.