

criminal justice; budget reconciliation; 2021-2022.

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

HOUSE BILL 2893

AN ACT

AMENDING TITLE 11, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15; AMENDING SECTIONS 12-109 AND 12-115, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-117.01; AMENDING SECTION 12-284.01, ARIZONA REVISED STATUTES; REPEALING SECTION 12-284.02, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-270; AMENDING SECTIONS 13-1414, 21-202 AND 21-222, ARIZONA REVISED STATUTES; AMENDING TITLE 26, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-105; AMENDING TITLE 26, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-183; AMENDING SECTION 31-227, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; REPEALING TITLE 31, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES; AMENDING SECTION 38-1117, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 322, SECTION 1; AMENDING SECTION 38-1161, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 338, SECTION 1; AMENDING SECTIONS 41-194.01 AND 41-1733, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1734; AMENDING TITLE 41, CHAPTER 12, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1772; AMENDING SECTION 45-252, ARIZONA REVISED STATUTES; AMENDING LAWS 2018, CHAPTER 278, SECTION 14, AS AMENDED BY LAWS 2019, CHAPTER 268, SECTION 6 AND LAWS 2020, CHAPTER 51, SECTION 4; AMENDING LAWS 2018, CHAPTER 278, SECTION 17; APPROPRIATING MONIES; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 2, Arizona Revised Statutes, is
3 amended by adding article 15, to read:

4 ARTICLE 15. COORDINATED REENTRY PLANNING SERVICES PROGRAMS

5 11-392. Coordinated reentry planning services programs;
6 cross-system recidivism tracking database; planning
7 committee

8 A. A COUNTY MAY ESTABLISH A COORDINATED REENTRY PLANNING SERVICES
9 PROGRAM WITHIN A COUNTY JAIL FOR THE PURPOSE OF SCREENING AND ASSESSING
10 PERSONS WHO ARE BOOKED INTO A COUNTY JAIL AND CONNECTING THOSE PERSONS
11 WITH BEHAVIORAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT PROVIDERS AT
12 THE EARLIEST POSSIBLE STAGE IN THE CRIMINAL JUSTICE PROCESS.

13 B. SUBJECT TO AVAILABLE MONIES, A COORDINATED REENTRY PLANNING
14 SERVICES PROGRAM MUST:

15 1. ALLOW ENTITIES TO ACCESS AND USE A CROSS-SYSTEM RECIDIVISM
16 TRACKING DATABASE THAT INCORPORATES DATA OBTAINED FROM PREARREST DIVERSION
17 PROGRAMS, REENTRY SCREENINGS THAT OCCUR DURING THE BOOKING PROCESS,
18 REENTRY PLANNING THAT OCCURS BEFORE AND DURING RELEASE AND POSTRELEASE
19 TREATMENT ENGAGEMENT.

20 2. ALLOW ENTITIES TO WORK IN CONJUNCTION WITH COUNTIES, CITIES,
21 TOWNS AND OTHER POLITICAL SUBDIVISIONS OF THIS STATE AND WITH SUPERIOR
22 COURTS TO ESTABLISH AN INFORMATION EXCHANGE MECHANISM THAT INCLUDES
23 REENTRY PLANNING EFFORTS.

24 3. ALLOW COUNTY AND COMMUNITY-WIDE COLLABORATIVE EFFORTS TO BE
25 ESTABLISHED AND MAINTAINED FOR JAIL REENTRY PLANNING SERVICES THAT INCLUDE
26 TREATMENT, PEER SUPPORT, HOUSING, TRANSPORTATION AND EMPLOYMENT SERVICES
27 AND ALL BRANCHES OF THE CRIMINAL JUSTICE AND COURT SYSTEMS BY DEVELOPING A
28 NEW COALITION OR EXTENDING AN EXISTING COALITION.

29 4. ESTABLISH WORKING AGREEMENTS WITH COALITION PARTNERS IN WHICH
30 TREATMENT PROVIDERS USE THE CROSS-SYSTEM RECIDIVISM TRACKING DATABASE TO
31 RECORD POSTRELEASE TREATMENT ENGAGEMENT.

32 5. USE THE CROSS-SYSTEM RECIDIVISM TRACKING DATABASE TO RECORD
33 BASELINE AND ONGOING STATISTICS FOR IDENTIFIED NEEDS, REFERRALS AND FUTURE
34 RECIDIVISM OF REENTRY COORDINATION PARTICIPANTS.

35 C. A COUNTY THAT ESTABLISHES A COORDINATED REENTRY PLANNING
36 SERVICES PROGRAM SHALL ESTABLISH A PLANNING COMMITTEE TO DEVELOP THE
37 PROGRAM'S POLICIES AND PROCEDURES, INCLUDING ELIGIBILITY CRITERIA, PROGRAM
38 IMPLEMENTATION AND OPERATION. AT A MINIMUM THE PLANNING COMMITTEE SHALL
39 CONSIST OF THE FOLLOWING PERSONS:

40 1. REPRESENTATIVES OF THE LAW ENFORCEMENT AGENCIES PARTICIPATING IN
41 THE PROGRAM.

42 2. A REPRESENTATIVE OF THE PROGRAM SERVICES PROVIDER.

43 3. A PUBLIC DEFENDER OR THE PUBLIC DEFENDER'S DESIGNEE.

44 4. A PROSECUTING ATTORNEY OR THE PROSECUTING ATTORNEY'S DESIGNEE.

1 5. A PRESIDING SUPERIOR COURT JUDGE OR THE SUPERIOR COURT JUDGE'S
2 DESIGNEE.

3 6. A CLERK OF THE COURT OR THE CLERK'S DESIGNEE.

4 7. OTHER STAKEHOLDERS.

5 Sec. 2. Section 12-109, Arizona Revised Statutes, is amended to
6 read:

7 12-109. Rules and administrative orders of pleading, practice
8 and procedure; adoption; prohibitions; distribution

9 A. The supreme court, by rules ~~promulgated from time to time~~ OR
10 ADMINISTRATIVE ORDERS, shall regulate pleading, practice and procedure in
11 judicial proceedings in all courts of ~~the~~ THIS state ~~for the purpose of~~
12 ~~simplifying such~~ TO SIMPLIFY pleading, practice and procedure and
13 ~~promoting~~ PROMOTE speedy determination of litigation ~~upon~~ ON its merits.

14 B. The rules AND ADMINISTRATIVE ORDERS shall not DO ANY OF THE
15 FOLLOWING:

16 1. Abridge, enlarge or modify substantive rights of a litigant.

17 2. ABRIDGE, ENLARGE OR MODIFY STATUTORY, CONTRACTUAL OR COMMON LAW
18 REAL PROPERTY RIGHTS OR QUESTIONS OF SUBSTANTIVE LAW.

19 ~~B.~~ C. The supreme court shall print and distribute the rules AND
20 ADMINISTRATIVE ORDERS to all members of the state bar and to all other
21 persons who apply.

22 ~~C.~~ D. The rules shall not become effective until sixty days after
23 distribution.

24 Sec. 3. Section 12-115, Arizona Revised Statutes, is amended to
25 read:

26 12-115. Additional filing, appearance and answer or response
27 fees; deposit

28 A. In addition to any other assessment authorized by law, the
29 supreme court shall establish an additional fee on each filing, appearance
30 and answer or response fee charged by a clerk of the superior court.

31 B. The clerk shall collect the additional fee and monthly remit the
32 additional fees to the county treasurer. The county treasurer shall
33 transmit the fees to the state treasurer on or before the fifteenth day of
34 each month for deposit, pursuant to sections 35-146 and 35-147, in the
35 Arizona lengthy trial AND DIGITAL EVIDENCE fund established by section
36 21-222. The state treasurer shall invest and divest monies in the fund as
37 provided by section 35-313, and monies earned from investment shall be
38 credited to the fund.

39 C. The additional fee may be deferred or waived pursuant to
40 sections 12-302 and 12-304.

41 D. In establishing the additional fees under subsection A of this
42 section, the supreme court may designate by rule that the additional fees
43 not be imposed on filings in TYPES OF cases that involve minimal use of
44 court resources, ~~or~~ that are not afforded the opportunity for a trial by
45 jury OR THAT DO NOT INVOLVE THE USE OF DIGITAL EVIDENCE.

1 Sec. 4. Title 12, chapter 1, article 1, Arizona Revised Statutes,
2 is amended by adding section 12-117.01, to read:

3 12-117.01. General adjudication personnel and support fund;
4 exemption; purposes; joint legislative budget
5 committee review

6 A. THE GENERAL ADJUDICATION PERSONNEL AND SUPPORT FUND IS
7 ESTABLISHED CONSISTING OF MONIES APPROPRIATED BY THE LEGISLATURE. THE
8 SUPREME COURT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
9 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION
10 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

11 B. MONIES IN THE FUND SHALL BE USED BY BOTH:

12 1. THE SUPREME COURT TO PROVIDE ADDITIONAL FULL-TIME PERSONNEL FOR
13 THE GENERAL ADJUDICATION AS PRESCRIBED IN SECTION 45-252, SUBSECTION D AND
14 TO PROVIDE CASE MANAGEMENT AND OTHER SUPPORT EQUIPMENT, SERVICES AND
15 PERSONNEL.

16 2. THE DEPARTMENT OF WATER RESOURCES FOR ADDITIONAL FULL-TIME
17 PERSONNEL AND OTHER EQUIPMENT AND SERVICES RELATED TO THE GENERAL
18 ADJUDICATION.

19 C. FOR FISCAL YEARS 2021-2022 AND 2022-2023, BEFORE ANY MONIES ARE
20 SPENT FROM THE FUND, THE SUPREME COURT AND THE DEPARTMENT OF WATER
21 RESOURCES SHALL SUBMIT AN EXPENDITURE PLAN TO THE JOINT LEGISLATIVE BUDGET
22 COMMITTEE. THE CHAIRPERSON OF THE JOINT LEGISLATIVE BUDGET COMMITTEE
23 SHALL DETERMINE WHETHER THE SUBMITTED PLAN REQUIRES REVIEW BEFORE THE FULL
24 COMMITTEE.

25 Sec. 5. Section 12-284.01, Arizona Revised Statutes, is amended to
26 read:

27 12-284.01. Document and digital evidence storage and
28 retrieval conversion fund; purposes

29 A. ~~A~~ THE document AND DIGITAL EVIDENCE storage and retrieval
30 conversion fund for the clerk of the superior court is established
31 consisting of monies received pursuant to subsection C of this section.

32 B. ~~Except as provided in section 12-284.02;~~ The clerk of the
33 superior court shall administer the fund. The clerk, in coordination with
34 the presiding judge, shall expend monies in the fund, ~~subject to approval~~
35 by the county board of supervisors, ~~in order~~ FOR THE FOLLOWING PURPOSES:

36 1. To defray the cost of ~~converting and~~ maintaining the clerk's
37 document storage and retrieval system AND TO CONVERT to micrographics or
38 computer automation. ~~The monies collected pursuant to section 12-284.02,~~
39 ~~subsection B shall be used to improve access to court records.~~

40 2. TO MANAGE AND STORE DIGITAL EVIDENCE AND TO FACILITATE THE
41 DISPLAY OF EVIDENCE TO THE JURY AND COURT AT A TRIAL AND RELATED
42 PROCEEDINGS.

43 C. In addition to the filing or appearance fee charged pursuant to
44 chapter 3, article 2 of this title or section 12-1705, the presiding judge
45 of the superior court may assess each person required to pay a filing or

1 appearance fee under such article or sections an additional fee of not ~~to~~
2 ~~exceed fifteen dollars~~ MORE THAN \$15. All monies received from the
3 additional fee pursuant to this subsection shall be transmitted to the
4 county treasurer and placed in the document AND DIGITAL EVIDENCE storage
5 and retrieval conversion fund for the clerk of the superior court.

6 D. The clerk shall annually submit to the presiding judge the
7 amount of projected revenues to be raised for the document AND DIGITAL
8 EVIDENCE storage and retrieval conversion fund pursuant to this
9 section. If projected revenues of the fund are deemed insufficient to pay
10 for conversion costs, fund monies may accumulate until sufficient monies
11 are available in the fund.

12 Sec. 6. Repeal

13 Section 12-284.02, Arizona Revised Statutes, is repealed.

14 Sec. 7. Title 12, chapter 2, article 7, Arizona Revised Statutes,
15 is amended by adding section 12-270, to read:

16 12-270. Probation success incentive payments and grants;
17 baseline calculations; annual reports; definitions

18 A. THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONSULTATION WITH
19 EACH COUNTY'S ADULT PROBATION DEPARTMENT, SHALL CALCULATE A COUNTY
20 PROBATION SUCCESS INCENTIVE PAYMENT FOR EACH COUNTY FOR THE MOST RECENTLY
21 COMPLETED FISCAL YEAR. EACH COUNTY'S PROBATION SUCCESS INCENTIVE PAYMENT
22 EQUALS THE NUMBER OF PROBATIONERS SUCCESSFULLY PREVENTED FROM ENTERING
23 PRISON, COMPARED TO THE COUNTY-SPECIFIC HISTORICAL BASELINES CALCULATED IN
24 SUBSECTION G, PARAGRAPH 1 OF THIS SECTION MULTIPLIED BY FIFTY PERCENT OF
25 THE MARGINAL COST OF INCARCERATION AS REQUIRED BY SUBSECTION F OF THIS
26 SECTION. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL CALCULATE A
27 STATEWIDE PROBATION SUCCESS INCENTIVE GRANT PAYMENT THAT EQUALS THE NUMBER
28 OF PROBATIONERS SUCCESSFULLY PREVENTED FROM ENTERING PRISON STATEWIDE,
29 COMPARED TO THE STATEWIDE HISTORICAL BASELINE CALCULATED IN SUBSECTION G,
30 PARAGRAPH 1 OF THIS SECTION MULTIPLIED BY TWENTY-FIVE PERCENT OF THE
31 MARGINAL COST OF INCARCERATION AS REQUIRED BY SUBSECTION F OF THIS
32 SECTION. SUBJECT TO LEGISLATIVE APPROPRIATION, THE ADMINISTRATIVE OFFICE
33 OF THE COURTS SHALL PROPORTIONATELY ALLOCATE THE COUNTY PROBATION SUCCESS
34 INCENTIVE PAYMENTS TO EACH COUNTY BASED ON THE SPECIFIC CALCULATIONS MADE
35 PURSUANT TO SUBSECTION G OF THIS SECTION. SUBJECT TO LEGISLATIVE
36 APPROPRIATION, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DEPOSIT THE
37 STATEWIDE PROBATION SUCCESS INCENTIVE GRANT PAYMENT IN A SUBACCOUNT
38 ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURPOSE OF
39 RECIDIVISM REDUCTION AND IMPROVING PROBATION SERVICES.

40 B. EACH COUNTY SHALL USE ITS PROBATION SUCCESS INCENTIVE PAYMENT
41 AND ANY MONIES RECEIVED FROM A STATEWIDE PROBATION SUCCESS INCENTIVE GRANT
42 TO IMPROVE SUPERVISION AND REHABILITATIVE SERVICES FOR PROBATIONERS,
43 INCLUDING ANY OF THE FOLLOWING:

44 1. IMPLEMENTING AND EXPANDING EVIDENCE-BASED PRACTICES FOR RISK AND
45 NEEDS ASSESSMENTS FOR INDIVIDUALIZED PROGRAMMING.

1 2. IMPLEMENTING AND EXPANDING INTERMEDIATE SANCTIONS, INCLUDING
2 MANDATORY COMMUNITY RESTITUTION, HOME DETENTION, DAY REPORTING,
3 RESTORATIVE JUSTICE PROGRAMS AND WORK FURLOUGH PROGRAMS.

4 3. EXPANDING THE AVAILABILITY OF EVIDENCE-BASED PRACTICES FOR
5 REHABILITATION PROGRAMS, INCLUDING DRUG AND ALCOHOL TREATMENT, MENTAL
6 HEALTH TREATMENT, ANGER MANAGEMENT, COGNITIVE BEHAVIOR PROGRAMS AND JOB
7 TRAINING AND EMPLOYMENT SERVICES.

8 4. RECOGNIZING AND REWARDING PROBATION OFFICERS IN ADULT PROBATION
9 DEPARTMENTS WHOSE WORK HAS ADVANCED THE IMPLEMENTATION OF EVIDENCE-BASED
10 PRACTICES OR WHO HAVE CONTRIBUTED TO THE PROBATION DEPARTMENT'S RECIDIVISM
11 REDUCTION EFFORTS.

12 5. PAYING FOR CONTINUING EDUCATION AND TRAINING THAT FOCUSES ON
13 EVIDENCE-BASED PRACTICES FOR PROBATION OFFICERS OR PROBATION STAFF, OR
14 BOTH.

15 6. EVALUATING THE EFFECTIVENESS OF REHABILITATION AND SUPERVISION
16 PROGRAMS AND ENSURING PROGRAM FIDELITY.

17 C. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ALLOCATE COUNTY
18 PROBATION SUCCESS INCENTIVE PAYMENTS TO EACH COUNTY FOR DISTRIBUTION TO
19 THE COUNTY'S ADULT PROBATION DEPARTMENT TO IMPLEMENT THE PROGRAMS
20 PRESCRIBED IN SUBSECTION B OF THIS SECTION. A BOARD THAT INCLUDES THE
21 CHIEF PROBATION OFFICER FROM EACH COUNTY SHALL DETERMINE THE DISTRIBUTION
22 OF STATEWIDE PROBATION SUCCESS INCENTIVE GRANT MONIES. A COUNTY'S CHIEF
23 PROBATION OFFICER MUST BE RECUSED IN A VOTE THAT MAY AWARD A GRANT TO THE
24 CHIEF PROBATION OFFICER'S PROBATION DEPARTMENT. THE COUNTY AND STATEWIDE
25 PROBATION SUCCESS INCENTIVE PAYMENTS ALLOCATED PURSUANT TO THIS SECTION
26 SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, ANY OTHER STATE OR COUNTY
27 APPROPRIATION FOR THE ADULT PROBATION DEPARTMENT.

28 D. FOR ANY COUNTY OR STATEWIDE PROBATION SUCCESS INCENTIVE PAYMENTS
29 ALLOCATED OR GRANTS AWARDED TO A COUNTY, THE COUNTY SHALL DISTRIBUTE THE
30 ALLOCATED MONIES TO ITS ADULT PROBATION DEPARTMENT, WHICH MUST USE THE
31 MONIES FOR IMPROVING PROBATION SERVICES AND RECIDIVISM REDUCTION FUNDING
32 ACTIVITIES PRESCRIBED IN SUBSECTION B OF THIS SECTION. IN THE COUNTY'S
33 DISCRETION, THE COUNTY MAY RETAIN UP TO FIFTEEN PERCENT OF THE ALLOCATED
34 MONIES FOR ADMINISTRATIVE AND DATA COLLECTION PURPOSES.

35 E. IN ANY FISCAL YEAR IN WHICH A COUNTY RECEIVES INCENTIVE PAYMENTS
36 OR GRANTS, THE MONIES SHALL BE MADE AVAILABLE TO THE COUNTY'S ADULT
37 PROBATION DEPARTMENT TO IMPLEMENT PROBATION PROGRAMMING WITHIN SIXTY DAYS
38 AFTER THE ALLOCATION OF THOSE MONIES. THE COUNTY ADULT PROBATION
39 DEPARTMENT SHALL MAINTAIN A COMPLETE AND ACCURATE ACCOUNTING OF ALL MONIES
40 RECEIVED PURSUANT TO THIS SECTION.

41 F. AT THE END OF EACH FISCAL YEAR, THE DIRECTOR OF THE STATE
42 DEPARTMENT OF CORRECTIONS SHALL CALCULATE THE MARGINAL COST OF
43 INCARCERATION FOR THAT FISCAL YEAR AND PROVIDE THAT INFORMATION TO THE
44 ADMINISTRATIVE OFFICE OF THE COURTS. THE CALCULATION SHALL TAKE INTO
45 CONSIDERATION FACTORS SUCH AS THE AVERAGE LENGTH OF STAY IN PRISON AND

1 VARIABLE CORRECTIONS COSTS, INCLUDING HEALTH CARE SERVICES, FOOD AND
2 CLOTHING.

3 G. AT THE END OF EACH FISCAL YEAR, THE ADMINISTRATIVE OFFICE OF THE
4 COURTS SHALL GATHER DATA ON, CALCULATE AND REPORT THE FOLLOWING FOR EACH
5 FISCAL YEAR:

6 1. THE PROBATION FAILURE RATE FOR THIS STATE AND EACH COUNTY. TO
7 MAKE THIS CALCULATION, THE BASELINE PROBATION FAILURE RATE EQUALS THE
8 AVERAGE NUMBER OF ADULT PROBATIONERS WHO FAILED TO SUCCESSFULLY COMPLETE A
9 TERM OF PROBATION DURING FISCAL YEARS 2007-2008, 2014-2015 AND 2018-2019,
10 AS A PERCENTAGE OF THE AVERAGE NUMBER OF PROBATIONERS WHO SUCCESSFULLY
11 COMPLETED A TERM OF PROBATION DURING THAT SAME TIME PERIOD. WHEN
12 CALCULATING PROBATION FAILURE, IF A PERSON ON PROBATION SPENDS FEWER THAN
13 FOURTEEN DAYS IN DETENTION, THAT PERSON'S DETENTION IS NOT A PROBATION
14 FAILURE. FOR THE PURPOSES OF CALCULATING THE PROBATION FAILURE RATE AND
15 THE BASELINE PROBATION FAILURE RATE, THE NUMBER OF ADULT PROBATIONERS WHO
16 FAILED TO SUCCESSFULLY COMPLETE A TERM OF PROBATION INCLUDES THE
17 FOLLOWING:

18 (a) A PROBATIONER WHOSE PROBATION WAS REVOKED FOR A NEW CRIME OR
19 TECHNICAL VIOLATION.

20 (b) A PROBATIONER WHOSE WHEREABOUTS ARE UNKNOWN AND FOR WHOM AN
21 ARREST WARRANT WAS ISSUED DURING THE FISCAL YEAR.

22 (c) A PROBATIONER WHOSE PROBATION IS TERMINATED ON SERVING A
23 SENTENCE IN A COUNTY JAIL IN LIEU OF PROBATION REVOCATION FOR A NEW CRIME
24 OR TECHNICAL VIOLATION.

25 2. AN ESTIMATE OF THE NUMBER OF ADULT PROBATIONERS THIS STATE AND
26 EACH COUNTY SUCCESSFULLY PREVENTED FROM FAILING PROBATION. THIS ESTIMATE
27 IS CALCULATED BASED ON THE REDUCTION IN THE PROBATION FAILURE RATE AS
28 CALCULATED ANNUALLY PURSUANT TO THE BASELINE PROBATION FAILURE RATE
29 CALCULATED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION. IN MAKING THIS
30 ESTIMATE, THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONSULTATION WITH
31 THE ADULT PROBATION DEPARTMENT, SHALL ADJUST THE CALCULATIONS TO ACCOUNT
32 FOR CHANGES IN THE ADULT PROBATION CASELOAD IN THE MOST RECENT COMPLETED
33 FISCAL YEAR AS COMPARED TO THE ADULT PROBATION POPULATION DURING FISCAL
34 YEARS 2007-2008, 2014-2015 AND 2018-2019.

35 3. THE CURRENT TOTAL POPULATION OF PROBATIONERS FOR THE LAST THREE
36 YEARS PER COUNTY AS OF THE DATE OF THE REQUIRED REPORT.

37 H. IF DATA OF SUFFICIENT QUALITY AND OF THE TYPES REQUIRED BY THIS
38 SECTION ARE NOT AVAILABLE, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL
39 USE THE BEST AVAILABLE DATA TO ESTIMATE PROBATION SUCCESS RATES USING A
40 METHODOLOGY THAT IS AS CONSISTENT WITH THAT DESCRIBED IN THIS SECTION AS
41 IS REASONABLY POSSIBLE.

42 I. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL INCLUDE AN
43 ESTIMATE OF THE TOTAL MONIES TO BE HELD AND ADMINISTERED IN THE FOLLOWING
44 FISCAL YEAR AS PART OF THE JUDICIARY'S PROPOSED BUDGET.

1 J. EACH COUNTY BOARD OF SUPERVISORS SHALL PERIODICALLY PROVIDE
2 OVERSIGHT REGARDING THE ALLOCATION OF INCENTIVE PAYMENT GRANTS TO THE
3 SPECIFIC DEPARTMENTS THAT ARE TASKED WITH ADMINISTERING THE PROBATION
4 PROGRAMMING TO ENSURE THAT DISBURSED MONIES ARE APPROPRIATELY USED AS
5 SPECIFIED IN SUBSECTION B OF THIS SECTION.

6 K. EACH ADULT PROBATION DEPARTMENT SHALL DEFINE AND TRACK SPECIFIC
7 OUTCOME-BASED MEASURES, INCLUDING ALL OF THE FOLLOWING:

8 1. THE PERCENTAGE OF PROBATIONERS WHO ARE SUPERVISED IN ACCORDANCE
9 WITH EVIDENCE-BASED PRACTICES.

10 2. THE SPECIFIC SUPERVISION POLICIES, PROCEDURES, PROGRAMS AND
11 PRACTICES THAT WERE ELIMINATED.

12 3. THE PERCENTAGE OF PROBATIONERS WHO SUCCESSFULLY COMPLETE THE
13 PERIOD OF SUPERVISION.

14 4. THE NUMBER OF PROBATION ABSCONDERS WHO ARE LOCATED EACH YEAR AND
15 THE DISPOSITION OF THESE CASES.

16 5. THE AMOUNT OF MONIES RECEIVED BY EACH ADULT PROBATION
17 DEPARTMENT.

18 L. ON OR BEFORE DECEMBER 31, 2022 AND ANNUALLY THEREAFTER, EACH
19 ADULT PROBATION DEPARTMENT THAT RECEIVES INCENTIVE PAYMENTS OR GRANTS
20 PURSUANT TO THIS SECTION SHALL SUBMIT A WRITTEN REPORT TO THE
21 ADMINISTRATIVE OFFICE OF THE COURTS AND THE COUNTY BOARD OF SUPERVISORS
22 THAT ACCOUNTS FOR INCENTIVE PAYMENTS RECEIVED AND GRANTS AWARDED AND THAT
23 EVALUATES THE EFFECTIVENESS OF THE PROGRAM.

24 M. ON OR BEFORE JULY 1, 2023 AND ANNUALLY THEREAFTER, THE
25 ADMINISTRATIVE OFFICE OF THE COURTS SHALL SUBMIT TO THE GOVERNOR, THE
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND
27 THE JOINT LEGISLATIVE BUDGET COMMITTEE A COMPREHENSIVE REPORT ON THE
28 IMPLEMENTATION OF THIS SECTION. THE REPORT MUST INCLUDE ALL OF THE
29 FOLLOWING INFORMATION:

30 1. THE EFFECTIVENESS OF PROGRAMS BASED ON THE REPORTS OF
31 PERFORMANCE-BASED OUTCOME MEASURES REQUIRED IN SUBSECTION K OF THIS
32 SECTION.

33 2. THE PERCENTAGE OF ADULT PROBATIONERS WHOSE SUPERVISION WAS
34 REVOKED FOR THE YEAR THAT THE REPORT IS BEING MADE.

35 3. THE PERCENTAGE OF PROBATIONERS WHO WERE CONVICTED OF CRIMINAL
36 OFFENSES DURING THE PROBATIONER'S TERM OF SUPERVISION FOR THE YEAR THAT
37 THE REPORT IS BEING MADE.

38 4. THE IMPACT OF THE INCENTIVE PAYMENTS ALLOCATED PURSUANT TO THIS
39 SECTION TO ENHANCE PUBLIC SAFETY BY:

40 (a) REDUCING THE PERCENTAGE AND THE NUMBER OF PROBATIONERS WHOSE
41 SUPERVISION WAS REVOKED FOR THE YEAR THE REPORT IS BEING MADE FOR
42 VIOLATIONS OR NEW CONVICTIONS.

43 (b) REDUCING THE NUMBER OF PROBATIONERS WHO RETURN TO PRISON OR
44 JAIL OR WHO ABSCOND FROM PROBATION FOR THE YEAR THAT THE REPORT IS BEING
45 MADE.

1 5. ANY RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS OR ADDITIONAL
2 COLLABORATION WITH OTHER STATE, REGIONAL, FEDERAL OR LOCAL ENTITIES FOR
3 IMPROVEMENTS MADE PURSUANT TO THIS SECTION.

4 6. THE NUMBER OF PROBATIONERS WHOSE SUPERVISION WAS REVOKED SOLELY
5 FOR A VIOLATION OF THE TERMS OF PROBATION AND THE NUMBER OF PROBATIONERS
6 WHOSE SUPERVISION WAS REVOKED BECAUSE OF THE COMMISSION OF A NEW OFFENSE.

7 N. FOR THE PURPOSES OF THIS SECTION:

8 1. "BASELINE PROBATION FAILURE RATE" MEANS THE AVERAGE OF THE
9 PROBATION FAILURE RATES FOR FISCAL YEARS 2007-2008, 2014-2015 AND
10 2018-2019. EACH FISCAL YEAR'S FAILURE RATE IS THE QUOTIENT OF THE NUMBER
11 OF PERSONS ON PROBATION WHO FAILED TO SUCCESSFULLY COMPLETE THE PERSON'S
12 TERM OF PROBATION THAT IS DIVIDED BY THE TOTAL NUMBER OF PERSONS ON
13 PROBATION AND THAT IS CALCULATED ON A STATEWIDE BASIS AND FOR EACH COUNTY.

14 2. "EVIDENCE-BASED PRACTICES" MEANS SUPERVISION POLICIES,
15 PROCEDURES, PROGRAMS AND PRACTICES DEMONSTRATED BY SCIENTIFIC RESEARCH TO
16 REDUCE RECIDIVISM AMONG PERSONS ON PROBATION.

17 3. "MARGINAL COST OF INCARCERATION" MEANS THE SUM OF ALL SHORT-TERM
18 VARIABLE COSTS ASSOCIATED WITH INCARCERATING A PERSON IN A STATE
19 DEPARTMENT OF CORRECTIONS FACILITY AND INCLUDES ONLY THOSE CORRECTIONAL
20 COSTS THAT MARGINALLY CHANGE IN PROPORTION TO THE INMATE POPULATION OF A
21 FACILITY.

22 4. "PROBATION PROGRAMMING" MEANS ALL PROGRAMS ESTABLISHED PURSUANT
23 TO TITLE 13, CHAPTER 9 AND CONSISTS OF A SYSTEM OF PROBATION SUPERVISION
24 SERVICES DEDICATED TO ALL OF THE FOLLOWING GOALS:

25 (a) ENHANCING PUBLIC SAFETY THROUGH MANAGING AND REDUCING OFFENDER
26 RISK WHILE A PROBATIONER IS UNDER SUPERVISION AND ON REENTRY FROM PRISON
27 INTO THE COMMUNITY.

28 (b) PROVIDING A RANGE OF SUPERVISION TOOLS, SANCTIONS AND SERVICES
29 THAT ARE APPLIED TO PROBATIONERS BASED ON A RISK OR NEEDS ASSESSMENT, OR
30 BOTH, TO REDUCE CRIMINAL CONDUCT AND PROMOTE INDIVIDUALIZED BEHAVIORAL
31 CHANGE THAT RESULTS IN REDUCING RECIDIVISM AND PROMOTING SUCCESSFUL
32 REINTEGRATION INTO THE COMMUNITY.

33 (c) MAXIMIZING OFFENDER RESTITUTION, RECONCILIATION AND RESTORATIVE
34 SERVICES TO CRIME VICTIMS, WHEN APPLICABLE.

35 (d) HOLDING PROBATIONERS ACCOUNTABLE FOR SUCCESSFUL COMPLIANCE WITH
36 APPLICABLE COURT ORDERS AND CONDITIONS OF PROBATION.

37 (e) IMPROVING PUBLIC SAFETY OUTCOMES FOR A PERSON WHO IS PLACED ON
38 PROBATION AFTER AN OFFENSE, AS MEASURED BY THE PERSON'S SUCCESSFUL
39 COMPLETION OF PROBATION AND COMMENSURATE REDUCTION IN THE RATE OF
40 PROBATIONERS RETURNING TO PRISON AS A RESULT OF A REVOCATION OR CONVICTION
41 OF A NEW OFFENSE.

1 Sec. 8. Section 13-1414, Arizona Revised Statutes, is amended to
2 read:

3 13-1414. Expenses of investigation

4 Any medical or forensic interview expenses arising out of the need
5 to secure evidence that a person has been the victim of a dangerous crime
6 against children as defined in section 13-705 or a sexual assault shall be
7 paid by the county in which the offense occurred **WITH ANY OF THE**
8 **FOLLOWING:**

9 1. **FEDERAL MONIES.**

10 2. **STATE MONIES THAT ARE APPROPRIATED BY THE LEGISLATURE FOR THESE**
11 **INVESTIGATION EXPENSES.**

12 3. **ANY APPLICABLE COMBINATION OF MONIES DESCRIBED IN PARAGRAPH 1 OR**
13 **2 OF THIS SECTION.**

14 Sec. 9. Section 21-202, Arizona Revised Statutes, is amended to
15 read:

16 21-202. Persons entitled to be excused from jury service

17 A. It is the policy of this state that all qualified citizens have
18 an obligation to serve on juries when summoned by the courts of this
19 state, unless excused.

20 B. On timely application to the court, the following persons shall
21 be excused temporarily from service as a juror if the judge or jury
22 commissioner finds that any of the following applies:

23 1. The prospective juror has a mental or physical condition that
24 causes the juror to be incapable of performing jury service. The juror or
25 the juror's personal representative shall provide to the court or jury
26 commissioner a medical statement from a physician who is licensed pursuant
27 to title 32, a physician assistant who is licensed pursuant to title 32,
28 chapter 25 or a registered nurse practitioner who is licensed pursuant to
29 title 32, chapter 15 that explains an existing mental or physical
30 condition that renders the person unfit for jury service. If a
31 prospective juror does not have a physician, a physician assistant or a
32 registered nurse practitioner, the prospective juror or the juror's
33 personal representative shall provide a sworn statement from a
34 professional caregiver for the prospective juror that is deemed acceptable
35 by the court or jury commissioner and that explains the mental or physical
36 condition that renders the prospective juror incapable of performing jury
37 service. For the purposes of this paragraph:

38 (a) The statement shall be in writing and shall contain a
39 description and duration of any mobility restrictions, the specific
40 symptoms that make the prospective juror mentally or physically unfit for
41 jury service and their duration, the employment status of the prospective
42 juror and the printed name, signature, professional license number if
43 applicable, area of specialty and contact information of the authorizing
44 physician, physician assistant, registered nurse practitioner or
45 professional caregiver.

1 (b) A form that complies with this paragraph shall be made
2 available at courthouses, the Arizona medical board website, the Arizona
3 regulatory board of physician assistants website, the Arizona board of
4 osteopathic examiners in medicine and surgery website, the Arizona state
5 board of nursing website and other appropriate locations that are
6 identified by the court or jury commissioner.

7 (c) These documents are not public records and shall not be
8 disclosed to the general public.

9 2. Jury service by the prospective juror would substantially and
10 materially affect the public interest or welfare in an adverse manner.

11 3. The prospective juror is not currently capable of understanding
12 the English language.

13 4. Jury service would cause undue or extreme physical or financial
14 hardship to the prospective juror or a person under the prospective
15 juror's care or supervision. For the purposes of this paragraph:

16 (a) A judge or jury commissioner of the court for which the person
17 was called to jury service shall determine whether jury service would
18 cause the prospective juror undue or extreme physical or financial
19 hardship.

20 (b) A person who requests to be excused under this paragraph shall
21 take all actions necessary to obtain a ruling on the request before the
22 date on which the person is scheduled to appear for jury duty.

23 (c) Undue or extreme physical or financial hardship is limited to
24 the following circumstances in which a person:

25 (i) Would be required to abandon a person under the ~~potential~~
26 PROSPECTIVE juror's care or supervision due to the impossibility of
27 obtaining an appropriate substitute caregiver during the period of
28 participation in the jury pool or on the jury.

29 (ii) Would incur costs that would have a substantial adverse impact
30 on the payment of the person's necessary daily living expenses or on those
31 for whom the ~~potential~~ PROSPECTIVE juror provides regular employment or
32 the principal means of support.

33 (iii) Would suffer physical hardship that would result in illness
34 or disease.

35 (d) Undue or extreme physical or financial hardship does not exist
36 solely based on the fact that a prospective juror will be required to be
37 absent from the prospective juror's place of employment.

38 (e) A person who requests to be excused under this paragraph shall
39 provide the judge or jury commissioner with documentation that supports
40 the request to be excused, such as federal and state income tax returns,
41 payroll records, medical statements from physicians licensed pursuant to
42 title 32, physician assistants licensed pursuant to title 32, chapter 25
43 or registered nurse practitioners licensed pursuant to title 32, chapter
44 15, proof of dependency or guardianship or other similar documents. The
45 judge or jury commissioner may excuse a person if the documentation

1 clearly supports the request to be excused. These documents are not
2 public records and shall not be disclosed to the general public.

3 5. The prospective juror is a peace officer who is certified by the
4 Arizona peace officer standards and training board and who is employed as
5 a peace officer by this state or any political subdivision of this
6 state. The employer of a peace officer shall not in any way influence the
7 peace officer to make or not to make an application to the court, pursuant
8 to this section, to be excused from jury service.

9 6. A judge or jury commissioner of the court for which the person
10 was called to jury service excuses the prospective juror for good cause
11 based on a showing of undue or extreme hardship under the circumstances,
12 including being temporarily absent from the jurisdiction or a lack of
13 transportation.

14 7. The prospective juror is summoned within four years after the
15 prospective juror's last day of service on a grand jury in this state.
16 This paragraph does not apply to a person selected as an alternate grand
17 juror.

18 8. ~~Through January 1, 2022,~~ The prospective juror is employed in
19 the correctional officer class series by the state department of
20 corrections.

21 C. Notwithstanding subsection B of this section, a prospective
22 juror who is at least seventy-five years of age may submit a written
23 statement to the court requesting that the person be excused from
24 service. The prospective juror may request to be excused temporarily or
25 permanently. On receipt of the request, the judge or jury commissioner
26 shall excuse the prospective juror from service.

27 D. A person who is excused temporarily pursuant to this section
28 becomes eligible for qualification as a juror when the temporary excuse
29 expires unless the person is permanently excused from jury service.

30 E. A person may be permanently excused only if the deciding judge
31 or jury commissioner determines that the underlying grounds for being
32 excused are permanent in nature or the person is permanently excused under
33 subsection C of this section.

34 F. If the judge, jury commissioner or jury manager permanently
35 excuses the person from jury service, the person shall be notified that
36 the person is permanently excused.

37 Sec. 10. Section 21-222, Arizona Revised Statutes, is amended to
38 read:

39 21-222. Arizona lengthy trial and digital evidence fund

40 A. The Arizona lengthy trial **AND DIGITAL EVIDENCE** fund is
41 established consisting of monies received from the additional fees paid on
42 all filings, appearances, responses and answers pursuant to section
43 12-115. The monies in the fund shall not be used for any purpose other
44 than as prescribed in this section.

1 B. The supreme court shall administer the fund and shall adopt
2 rules for the administration of the fund. Not more than three ~~per cent~~
3 ~~PERCENT~~ of the monies in the fund shall be used for the reasonable and
4 necessary costs of administering the fund. On or before the fifteenth day
5 of each month, on receipt of a request for reimbursement the supreme court
6 shall transmit monies from the fund to a jury commissioner for monies paid
7 to a juror under this section, together with a fee of not less than the
8 amount prescribed in section 12-284, subsection A, class E for each
9 application for payment of replacement or supplemental earnings by a
10 juror.

11 C. Subject to the availability of monies, monies in the fund shall
12 be used to:

13 1. Pay full or partial earnings replacement or supplementation to
14 jurors who serve as petit jurors for more than five days and who receive
15 less than full compensation. The amount of replacement or supplemental
16 earnings shall be at least ~~forty dollars~~ \$40 but not more than ~~three~~
17 ~~hundred dollars~~ \$300 per day per juror beginning on the first day of jury
18 service.

19 2. IF MONIES ARE AVAILABLE IN THE FUND AFTER PAYING JURORS PURSUANT
20 TO PARAGRAPH 1 OF THIS SUBSECTION, PAY FOR THE MANAGEMENT AND STORAGE OF
21 DIGITAL EVIDENCE AND TO FACILITATE THE DISPLAY OF THE EVIDENCE TO THE JURY
22 AND COURT AT A TRIAL AND RELATED PROCEEDINGS.

23 D. A juror whose jury service lasts more than five days may submit
24 a request for payment from the fund. The amount a juror receives from the
25 fund is limited to the difference between the jury fee prescribed in
26 section 21-221 and the actual amount of earnings a juror earns, not less
27 than ~~forty dollars~~ \$40, up to the maximum level payable under subsection
28 C, ~~PARAGRAPH 1~~ of this section, minus any amount the juror actually
29 received from the juror's employer during the same time period. A juror
30 who requests payment from the fund:

31 1. Shall disclose on the form the juror's regular earnings, the
32 amount the juror's employer will pay during the term of jury service
33 starting on the first day and thereafter, the amount of replacement or
34 supplemental earnings being requested and any other information that the
35 jury commissioner deems necessary.

36 2. Before receiving payment from the fund, shall submit
37 verification from the juror's employer, if any, regarding the earnings
38 information that is provided under paragraph 1 ~~OF THIS SUBSECTION~~. This
39 verification may include the employee's most recent earnings statement or
40 a similar document.

41 3. In order to verify the weekly income if the juror is
42 self-employed or receives compensation other than wages, shall provide a
43 sworn affidavit attesting to the juror's approximate gross weekly income,
44 together with any other information that the supreme court requires.

1 E. Jurors who are unemployed and are not eligible for payment
2 pursuant to ~~subsections~~ SUBSECTION C, PARAGRAPH 1 and SUBSECTION D of this
3 section are eligible to be paid ~~forty dollars~~ \$40 per day, even if they
4 receive income in the form of spousal maintenance, pensions, retirement,
5 unemployment compensation, disability benefits or other similar income.
6 Commissioners shall not deduct these other forms of income in calculating
7 the amount these jurors are to be paid from the fund.

8 Sec. 11. Title 26, chapter 1, article 1, Arizona Revised Statutes,
9 is amended by adding section 26-105, to read:

10 26-105. Border security fund; exemption; reimbursement

11 A. THE BORDER SECURITY FUND IS ESTABLISHED AND CONSISTS OF
12 LEGISLATIVE APPROPRIATIONS, GIFTS, GRANTS AND OTHER DONATIONS. THE
13 DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS SHALL ADMINISTER THE FUND.
14 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF
15 EMERGENCY AND MILITARY AFFAIRS AND MAY BE USED FOR THE FOLLOWING PURPOSES:

16 1. PREVENTING HUMAN TRAFFICKING.

17 2. PREVENTING ENTRY INTO THE UNITED STATES OF:

18 (a) ALIENS WHO ARE UNLAWFULLY PRESENT IN THE UNITED STATES.

19 (b) TERRORISTS AND INSTRUMENTS OF TERRORISM.

20 (c) CONTRABAND, INCLUDING NARCOTICS AND OTHER CONTROLLED
21 SUBSTANCES.

22 3. PLANNING, DESIGNING, CONSTRUCTING AND MAINTAINING
23 TRANSPORTATION, TECHNOLOGY AND COMMERCIAL VEHICLE INSPECTION
24 INFRASTRUCTURE NEAR THIS STATE'S INTERNATIONAL BORDER.

25 4. CLEARING NONINDIGENOUS PLANTS.

26 5. ADMINISTERING AND MANAGING THE CONSTRUCTION AND MAINTENANCE OF A
27 PHYSICAL BORDER FENCE.

28 6. AWARDING GRANTS TO COUNTIES TO PROVIDE HOUSING IN SECURE
29 FACILITIES.

30 7. AWARDING GRANTS TO COUNTIES FOR PROSECUTING INDIVIDUALS WHO
31 COMMIT CRIMES LISTED IN THIS SUBSECTION.

32 B. THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS MUST CONSULT
33 WITH THE FOLLOWING ENTITIES BEFORE SPENDING ANY MONIES FROM THE FUND FOR
34 THE PURPOSE PROVIDED IN:

35 1. SUBSECTION A OF THIS SECTION, THE DEPARTMENT OF PUBLIC SAFETY.

36 2. SUBSECTION A, PARAGRAPH 3 OF THIS SECTION, THE DEPARTMENT OF
37 TRANSPORTATION.

38 3. SUBSECTION A, PARAGRAPH 4 OF THIS SECTION, THE ARIZONA
39 DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT.

40 4. SUBSECTION A, PARAGRAPH 5, 6 OR 7 OF THIS SECTION, THE
41 DEPARTMENT OF ADMINISTRATION.

42 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION
43 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

1 D. THE GOVERNOR SHALL REQUEST THE FEDERAL GOVERNMENT TO REIMBURSE
2 STATE MONIES SPENT FROM THE FUND PURSUANT TO THIS SECTION. THE
3 REIMBURSEMENTS SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147,
4 IN THE STATE GENERAL FUND.

5 Sec. 12. Title 26, chapter 1, article 3, Arizona Revised Statutes,
6 is amended by adding section 26-183, to read:

7 26-183. National guard cyber-attack prevention, response and
8 support activities; cyber response revolving fund;
9 purpose; exemption

10 A. THE NATIONAL GUARD OF THIS STATE MAY ENGAGE IN CYBER-ATTACK
11 PREVENTION, RESPONSE AND SUPPORT ACTIVITIES FOR THIS STATE AND POLITICAL
12 SUBDIVISIONS OF THIS STATE.

13 B. THE NATIONAL GUARD OF THIS STATE MAY ENTER INTO MUTUAL AID
14 AGREEMENTS PERTAINING TO CYBER RESPONSE AND PROTECTION ACTIVITIES WITH
15 STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THIS STATE AS AUTHORIZED BY
16 SECTION 26-309.

17 C. THE NATIONAL GUARD CYBER RESPONSE REVOLVING FUND IS ESTABLISHED
18 CONSISTING OF MONIES APPROPRIATED BY THE LEGISLATURE AND MONIES RECEIVED
19 AS REIMBURSEMENT FOR COSTS INCURRED BY THIS STATE WHILE RENDERING AID
20 PURSUANT TO SUBSECTION A OF THIS SECTION. THE DEPARTMENT OF EMERGENCY AND
21 MILITARY AFFAIRS SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
22 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION
23 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

24 D. MONIES IN THE FUND SHALL BE USED FOR THE COSTS INCURRED BY THIS
25 STATE WHILE ASSISTING AGENCIES AND POLITICAL SUBDIVISIONS OF THIS STATE,
26 OR AS DIRECTED BY THE GOVERNOR, WITH CYBER SUPPORT ACTIVITIES PURSUANT TO
27 SUBSECTION A OF THIS SECTION.

28 Sec. 13. Section 31-227, Arizona Revised Statutes, is amended to
29 read:

30 31-227. Expenses of prosecution; reimbursement of counties

31 ~~A.~~ If a person is arrested within this state for any crime
32 committed in or adjacent and related to a correctional facility under the
33 jurisdiction of the state department of corrections or committed while
34 escaped from a correctional facility under the jurisdiction of the
35 department or from the custody of officials or employees of the department
36 while away from the correctional facility, the clerk of the court in which
37 the legal proceedings relating to the crime are held shall prepare an
38 itemized claim against the state for the court costs and any other costs
39 or fees incurred by the county ~~upon~~ ON the prosecution and defense of the
40 case and the cost of confining and keeping the prisoner. The claim shall
41 be certified by the judge of the court, ~~and~~ sent to the ~~governor for~~
42 ~~approval.~~ STATE DEPARTMENT OF CORRECTIONS

43 ~~B. Upon approval, the governor shall file the claim with the~~
44 ~~department of administration and it shall be~~ paid from the appropriation
45 for the support of the state department of corrections to the county

1 treasurer of the county where the legal proceedings were held. The county
2 treasurer shall deposit the monies in the county general fund.

3 Sec. 14. Title 31, chapter 2, Arizona Revised Statutes, is amended
4 by adding article 7, to read:

5 ARTICLE 7. MENTAL HEALTH TRANSITION PILOT PROGRAM

6 31-291. Mental health transition pilot program; contracted
7 entities; inmate eligibility; rules; study; report;
8 definition

9 A. THE DEPARTMENT SHALL ESTABLISH THE MENTAL HEALTH TRANSITION
10 PILOT PROGRAM TO PROVIDE ELIGIBLE INMATES WITH TRANSITION SERVICES IN THE
11 COMMUNITY. AN INMATE WHO IS IN THE MENTAL HEALTH TRANSITION PILOT PROGRAM
12 MAY NOT BE RELEASED BEFORE THE INMATE'S EARLIEST RELEASE DATE. THE
13 DEPARTMENT SHALL ADMINISTER THE MENTAL HEALTH TRANSITION PILOT PROGRAM AND
14 CONTRACT WITH PRIVATE OR NONPROFIT ENTITIES TO PROVIDE ELIGIBLE INMATES
15 WITH MENTAL HEALTH TRANSITION SERVICES AND SHALL PROCURE MENTAL HEALTH
16 TRANSITION SERVICES PURSUANT TO TITLE 41, CHAPTER 23. THE DEPARTMENT MAY
17 REFER AN INMATE WHO HAS A MENTAL HEALTH CONDITION TO BE PLACED IN THE
18 MENTAL HEALTH TRANSITION PILOT PROGRAM. THE DEPARTMENT SHALL PLACE UP TO
19 FIVE HUNDRED ELIGIBLE INMATES IN THE MENTAL HEALTH TRANSITION PILOT
20 PROGRAM EACH FISCAL YEAR.

21 B. THE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT THIS SECTION. THE
22 RULES SHALL:

23 1. INCLUDE ELIGIBILITY CRITERIA FOR AN INMATE TO RECEIVE A
24 CONTRACTED ENTITY'S MENTAL HEALTH TRANSITION SERVICES. TO BE ELIGIBLE, AT
25 A MINIMUM, AN INMATE MUST:

26 (a) AGREE IN WRITING TO PROVIDE SPECIFIC INFORMATION. THE
27 DEPARTMENT SHALL USE THE INFORMATION TO PREPARE THE REPORT PRESCRIBED BY
28 SUBSECTION D, PARAGRAPH 3 OF THIS SECTION.

29 (b) BE DIAGNOSED AS SERIOUSLY MENTALLY ILL AND, ON RELEASE, BE
30 ELIGIBLE FOR ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM BENEFITS.

31 2. REQUIRE THAT AN ELIGIBLE INMATE BE OFFERED SERVICES, WHICH MAY
32 INCLUDE HEALTH CARE ASSISTANCE TO OBTAIN ARIZONA HEALTH CARE COST
33 CONTAINMENT SYSTEM-FUNDED SERVICES, CASE MANAGEMENT, HOUSING, PSYCHIATRIC
34 MANAGEMENT, DRUG TESTING THAT INCLUDES A DNA MATCH TO THE PERSON AND THE
35 LEVEL OF ANY PRESCRIPTION DRUGS AND TRANSPORTATION.

36 3. REQUIRE THAT EACH ELIGIBLE INMATE RECEIVE SERVICES IN THE
37 PROGRAM FOR AT LEAST NINETY DAYS.

38 C. IN AWARDING CONTRACTS UNDER THIS SECTION, THE DEPARTMENT SHALL
39 COMPLY WITH SECTION 41-3751.

40 D. THE DEPARTMENT SHALL:

41 1. CONDUCT AN ANNUAL STUDY TO DETERMINE THE RECIDIVISM RATES OF
42 INMATES WHO RECEIVE A CONTRACTED ENTITY'S MENTAL HEALTH TRANSITION
43 SERVICES PURSUANT TO THIS SECTION. THE STUDY SHALL INCLUDE THE RECIDIVISM
44 RATES OF INMATES WHO HAVE BEEN RELEASED FROM INCARCERATION FOR A MINIMUM
45 OF TWO YEARS AFTER RELEASE.

1 2. EVALUATE EACH INMATE AND PROVIDE THE INFORMATION TO THE
2 CONTRACTED ENTITY.

3 3. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A WRITTEN REPORT
4 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
5 REPRESENTATIVES AND THE JOINT LEGISLATIVE BUDGET COMMITTEE AND PROVIDE A
6 COPY OF THIS REPORT TO THE SECRETARY OF STATE. THE REPORT MAY BE
7 SUBMITTED ELECTRONICALLY. THE REPORT SHALL CONTAIN THE FOLLOWING
8 INFORMATION:

9 (a) THE ONE-YEAR, TWO-YEAR AND THREE-YEAR RATES OF RETURN TO THE
10 DEPARTMENT'S CUSTODY FOR AN INMATE WHO RECEIVED SERVICES IN THE PROGRAM
11 COMPARED TO A RELEASED INMATE WITH A SERIOUSLY MENTALLY ILL DIAGNOSIS
12 DURING THE SAME PERIOD WHO DID NOT RECEIVE SERVICES IN THE PROGRAM.

13 (b) THE NUMBER OF INMATES WHO PARTICIPATED IN THE PROGRAM AT ANY
14 POINT DURING THE PREVIOUS FISCAL YEAR.

15 (c) THE NUMBER OF INMATES WHO COMPLETED NINETY DAYS OF SERVICES IN
16 THE PROGRAM DURING THE PREVIOUS FISCAL YEAR.

17 (d) THE NUMBER OF INMATES WHO WERE STILL ENROLLED IN THE PROGRAM ON
18 THE LAST DAY OF THE PREVIOUS FISCAL YEAR.

19 (e) THE NUMBER OF INMATES WHO WERE UNSUCCESSFULLY DISCHARGED FROM
20 THE PROGRAM DURING THE PREVIOUS FISCAL YEAR.

21 (f) THE NUMBER OF INMATES WHO WERE SUCCESSFULLY CONNECTED TO
22 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM SERVICES DURING THE PREVIOUS
23 FISCAL YEAR AS EVIDENCED BY THE INMATE BOTH COMPLETING AN INTAKE FOR
24 SERVICES AND USING THOSE SERVICES THROUGHOUT THE NINETY-DAY PERIOD OR
25 THROUGH THE END OF THE FISCAL YEAR, WHICHEVER OCCURS FIRST.

26 (g) OF THE INMATES WHO PARTICIPATED IN THE PROGRAM AT ANY POINT
27 DURING THE PREVIOUS FISCAL YEAR, THE NUMBER OF INMATES WHO USED ARIZONA
28 HEALTH CARE COST CONTAINMENT SYSTEM-FUNDED MENTAL HEALTH SERVICES,
29 SUBSTANCE ABUSE SERVICES, PSYCHIATRIC MANAGEMENT SERVICES, CASE MANAGEMENT
30 SERVICES AND TRANSPORTATION OR HOUSING SERVICES, OR BOTH.

31 4. PROVIDE INFORMATION ABOUT THE MENTAL HEALTH TRANSITION PILOT
32 PROGRAM TO EACH INMATE WHO HAS A MENTAL HEALTH CONDITION OR MENTAL HEALTH
33 CO-OCCURRING CONDITION AND WHO IS NOT SERVING A LIFE SENTENCE ON ADMISSION
34 TO PRISON AND TO EACH INMATE WHO IS POTENTIALLY ELIGIBLE FOR THE MENTAL
35 HEALTH TRANSITION PILOT PROGRAM NINE MONTHS BEFORE THE INMATE'S EARLIEST
36 RELEASE DATE. THE INFORMATION MUST INCLUDE ALL OF THE ADMISSION
37 REQUIREMENTS TO THE MENTAL HEALTH TRANSITION PILOT PROGRAM AND THE
38 DISQUALIFYING FACTORS UNDER THIS SECTION.

39 E. FOR THE PURPOSES OF THIS SECTION, "RECIDIVISM" MEANS
40 REINCARCERATION IN THE DEPARTMENT FOR ANY REASON.

41 Sec. 15. Delayed repeal

42 Title 31, chapter 2, article 7, Arizona Revised Statutes, as added
43 by this act, is repealed from and after June 30, 2026.

1 Sec. 16. Section 38-1117, Arizona Revised Statutes, as added by
2 Laws 2021, chapter 322, section 1, is amended to read:

3 38-1117. Law enforcement officer investigation and discipline
4 committee, board, agency, department, entity or
5 person; membership; qualifications; exceptions;
6 statewide concern

7 A. Notwithstanding any other law, ANY PERSON, OR at least
8 two-thirds of the voting membership of any government committee, board,
9 AGENCY, DEPARTMENT or entity, that investigates law enforcement officer
10 misconduct, that influences the conduct of or certifies law enforcement
11 officer misconduct investigations, that recommends disciplinary actions
12 for law enforcement officer misconduct or that imposes discipline for law
13 enforcement officer misconduct must be Arizona peace officer standards and
14 training board certified law enforcement officers who are of any rank and
15 who are from the same department or agency as the law enforcement officer
16 who is the subject of the investigation or disciplinary action. If the
17 committee, board, AGENCY, DEPARTMENT or entity consists of nonvoting
18 members, not more than one-third of the members may be nonvoting members.

19 B. If ~~a~~ THE PERSON OR committee, board, AGENCY, DEPARTMENT or
20 entity does not meet the requirements prescribed in subsection A of this
21 section, a supervisor, a department or an agency head that supervises a
22 law enforcement officer may investigate and impose discipline for a law
23 enforcement officer's misconduct if the supervisor, department or agency
24 head acts independently of the PERSON, committee, board, AGENCY,
25 DEPARTMENT or entity.

26 C. This section does not apply to EITHER OF THE FOLLOWING:

27 1. A PERSON OR A governmental review committee, board, AGENCY,
28 DEPARTMENT or entity that ONLY REVIEWS THE ACTIONS DESCRIBED IN SUBSECTION
29 A OF THIS SECTION AND THAT does not determine the initial level of
30 discipline or have the authority to increase the severity of the
31 disciplinary action.

32 ~~D. 2. The requirement prescribed in subsection A of this section~~
33 ~~that members of the government committee, board or entity be from the same~~
34 ~~department or agency does not apply to~~ The Arizona peace officer standards
35 and training board.

36 D. THE LEGISLATURE FINDS THAT SETTING AND MAINTAINING STANDARDS OF
37 PROFESSIONALISM AND INTEGRITY OF LAW ENFORCEMENT OFFICERS IN THIS STATE
38 ARE OF STATEWIDE CONCERN.

39 Sec. 17. Section 38-1161, Arizona Revised Statutes, as added by
40 Laws 2021, chapter 338, section 1, is amended to read:

41 38-1161. Civilian review board members; required training;
42 statewide concern; exception; definition

43 A. Before a person becomes a member of a civilian review board that
44 reviews the actions of peace officers in this state, the person must
45 ~~satisfactorily complete~~ either:

1 1. SATISFACTORILY COMPLETE EITHER:
2 (a) A community college police academy.
3 ~~(b)~~ (b) A total of eighty hours of Arizona peace officer standards
4 and training board certified training in the following subjects:
5 ~~(a)~~ (i) Arizona law on use of force justification.
6 ~~(b)~~ (ii) Dynamics of use of force encounters.
7 ~~(c)~~ (iii) Dynamics of de-escalation.
8 ~~(d)~~ (iv) Body-worn camera capabilities and limitations.
9 ~~(e)~~ (v) ~~in-custody~~ IN-CUSTODY deaths.
10 ~~(f)~~ (vi) Criminal and administrative investigations and
11 representative due process.
12 ~~(g)~~ (vii) Twenty hours of simulated event law enforcement
13 training, which shall count toward the eighty hours of training.
14 2. BE CURRENTLY, OR HAS PREVIOUSLY BEEN, CERTIFIED BY THE ARIZONA
15 PEACE OFFICER STANDARDS AND TRAINING BOARD.
16 B. Members currently serving on civilian review boards shall
17 complete the training required by this section within one year ~~of~~ AFTER
18 the effective date of this section.
19 C. THE LEGISLATURE FINDS THAT SETTING AND MAINTAINING STANDARDS OF
20 PROFESSIONALISM AND INTEGRITY OF PEACE OFFICERS IN THIS STATE ARE OF
21 STATEWIDE CONCERN.
22 D. THIS SECTION DOES NOT APPLY TO A MEMBER OF THE ARIZONA PEACE
23 OFFICER STANDARDS AND TRAINING BOARD.
24 ~~E.~~ E. For the purposes of this section, "civilian review board"
25 means a PERSON OR A committee, BOARD, AGENCY, DEPARTMENT OR ENTITY that is
26 comprised entirely or partially of civilian appointees and that does any
27 of the following:
28 1. Receives community complaints about the actions taken by
29 employees of a state or local law enforcement agency.
30 2. Reviews, monitors, audits or participates in internal
31 investigations of employees of state or local law enforcement agencies.
32 3. Recommends policy changes or disciplinary measures to state or
33 local law enforcement agencies regarding actions taken by an employee of
34 the agency.
35 4. Issues reports or information about actions taken by an employee
36 of a state or local law enforcement agency.
37 5. INVESTIGATES LAW ENFORCEMENT OFFICER CONDUCT OR MISCONDUCT,
38 INFLUENCES THE CONDUCT OF OR CERTIFIES LAW ENFORCEMENT OFFICER CONDUCT OR
39 MISCONDUCT INVESTIGATIONS, RECOMMENDS DISCIPLINARY ACTIONS FOR LAW
40 ENFORCEMENT OFFICER MISCONDUCT OR IMPOSES DISCIPLINE FOR LAW ENFORCEMENT
41 OFFICER MISCONDUCT. THIS PARAGRAPH DOES NOT APPLY TO A PERSON OR A
42 COMMITTEE, BOARD, AGENCY, DEPARTMENT OR ENTITY THAT ONLY REVIEWS THE
43 ACTIONS OF ANOTHER PERSON OR COMMITTEE, BOARD, AGENCY, DEPARTMENT OR
44 ENTITY AND DOES NOT DETERMINE THE INITIAL LEVEL OF DISCIPLINE OR HAVE THE
45 AUTHORITY TO INCREASE THE LEVEL OF DISCIPLINE.

1 Sec. 18. Section 41-194.01, Arizona Revised Statutes, is amended to
2 read:

3 41-194.01. Violations of state law by counties, cities and
4 towns; attorney general investigation; report;
5 withholding of state shared revenues; notice of
6 violation

7 A. At the request of one or more members of the legislature, the
8 attorney general shall investigate any ordinance, regulation, order or
9 other official action adopted or taken by the governing body of a county,
10 city or town OR ANY WRITTEN POLICY, WRITTEN RULE OR WRITTEN REGULATION
11 ADOPTED BY ANY AGENCY, DEPARTMENT OR OTHER ENTITY OF THE COUNTY, CITY OR
12 TOWN that the member alleges violates state law or the Constitution of
13 Arizona.

14 B. The attorney general shall make a written report of findings and
15 conclusions as a result of the investigation within thirty days after
16 receipt of the request and shall provide a copy of the report to the
17 governor, the president of the senate, the speaker of the house of
18 representatives, the member or members of the legislature making the
19 original request and the secretary of state. If the attorney general
20 concludes that the ordinance, regulation, order, WRITTEN POLICY, WRITTEN
21 RULE or other action under investigation:

22 1. Violates any provision of state law or the Constitution of
23 Arizona, the attorney general shall provide notice to the county, city or
24 town, by certified mail, of the violation and shall indicate that the
25 county, city or town has thirty days to resolve the violation. If the
26 attorney general determines that the county, city or town has failed to
27 resolve the violation within thirty days, the attorney general shall:

28 (a) Notify the state treasurer who shall withhold and redistribute
29 state shared monies from the county, city or town as provided by section
30 42-5029, subsection L and from the city or town as provided by section
31 43-206, subsection F.

32 (b) Continue to monitor the response of the governing body, and
33 when the offending ordinance, regulation, order or action is repealed or
34 the violation is otherwise resolved, the attorney general shall notify:

35 (i) The governor, the president of the senate, the speaker of the
36 house of representatives and the member or members of the legislature
37 making the original request that the violation has been resolved.

38 (ii) The state treasurer to restore the distribution of state
39 shared revenues to the county, city or town.

40 2. May violate a provision of state law or the Constitution of
41 Arizona, the attorney general shall file a special action in THE supreme
42 court to resolve the issue, and the supreme court shall give the action
43 precedence over all other cases. The court shall require the county, city
44 or town to post a bond equal to the amount of state shared revenue

1 REVENUES paid to the county, city or town pursuant to ~~section~~ SECTIONS
2 42-5029 and 43-206 in the preceding six months.

3 3. Does not violate any provision of state law or the Constitution
4 of Arizona, the attorney general shall take no further action pursuant to
5 this section.

6 C. BEFORE A MEMBER OF THE LEGISLATURE MAY REQUEST AN INVESTIGATION
7 BY THE ATTORNEY GENERAL OF ANY WRITTEN POLICY, WRITTEN RULE OR WRITTEN
8 REGULATION ADOPTED BY ANY AGENCY, DEPARTMENT OR OTHER ENTITY OF A COUNTY,
9 CITY OR TOWN PURSUANT TO SUBSECTION A OF THIS SECTION, THE MEMBER OF THE
10 LEGISLATURE SHALL FIRST PROVIDE A WRITTEN NOTIFICATION OF THE ALLEGED
11 VIOLATION OF STATE LAW OR THE CONSTITUTION OF ARIZONA TO THE CHIEF
12 EXECUTIVE OFFICER OR GOVERNING BODY OF THE COUNTY, CITY OR TOWN. IF THE
13 COUNTY, CITY OR TOWN DOES NOT REPEAL OR OTHERWISE RESOLVE THE VIOLATION
14 WITHIN SIXTY DAYS AFTER RECEIVING THE NOTIFICATION, THE MEMBER OR MEMBERS
15 OF THE LEGISLATURE MAY REQUEST AN INVESTIGATION BY THE ATTORNEY GENERAL
16 PURSUANT TO THIS SECTION.

17 Sec. 19. Section 41-1733, Arizona Revised Statutes, is amended to
18 read:

19 41-1733. School safety interoperability fund; school safety
20 pilot program; annual report

21 A. The ~~public~~ SCHOOL safety interoperability fund is established
22 consisting of monies appropriated to the fund by the legislature. The
23 ~~department~~ STATE TREASURER shall administer the fund. The fund is subject
24 to legislative appropriation. Monies in the fund SHALL BE DISTRIBUTED TO
25 THE SHERIFF OF A COUNTY THAT ESTABLISHES A SCHOOL SAFETY PILOT PROGRAM AND
26 may be used only for ~~interoperable communication systems~~ A SCHOOL SAFETY
27 PILOT PROGRAM THAT MEETS ALL OF THE FOLLOWING:

28 1. ENCOMPASSES UP TO EIGHT HUNDRED SCHOOLS THAT ARE ACROSS THREE
29 DIFFERENT COUNTIES. ONE OF THE COUNTIES MUST HAVE A POPULATION THAT IS
30 MORE THAN THREE MILLION PERSONS AND THE OTHER TWO COUNTIES MUST EACH HAVE
31 A POPULATION THAT IS LESS THAN FIVE HUNDRED THOUSAND PERSONS.

32 2. IN A SCHOOL SAFETY PILOT PROGRAM COUNTY, ENABLES THE DEPLOYMENT
33 OF A SECURE, MULTIMEDIA DATA COMMUNICATIONS SYSTEM TO A USER BASE
34 CONSISTING OF PUBLIC SAFETY AGENCIES AND PUBLIC SCHOOLS PROVIDING
35 INSTRUCTION IN ANY COMBINATION OF KINDERGARTEN PROGRAMS AND GRADES ONE
36 THROUGH TWELVE.

37 3. PROVIDES A COMMUNICATIONS SOLUTION ENVIRONMENT THAT ALLOWS FOR:

38 (a) IDENTIFYING SYSTEM USERS' IDENTITY, LOCATION AND OPERATIONAL
39 STATUS DURING AN INCIDENT.

40 (b) SECURE TEXT MESSAGING AND FILE SHARING TO ALL USERS INVOLVED IN
41 AN INCIDENT.

42 (c) SECURE SHARING OF COLLABORATIVE MAPS, BUILDING FLOOR PLANS AND
43 IMAGES BETWEEN SCHOOLS AND PUBLIC SAFETY AGENCIES.

1 (d) INTEGRATING MANUALLY ACTIVATED PANIC ALARM SYSTEMS THAT, WHEN
2 ACTIVATED, ESTABLISH DIRECT COLLABORATION BETWEEN SCHOOLS AND PUBLIC
3 SAFETY AGENCIES.

4 (e) USING MULTIPLE FORMS OF REAL-TIME COMMUNICATIONS AND
5 INFORMATION COLLABORATION, INCLUDING VOICE AND FULL-MOTION VIDEO SHARING,
6 DURING AN INCIDENT.

7 4. IS CAPABLE OF BEING DEPLOYED TO END USERS ON EXISTING
8 COMMUNICATIONS ASSETS OWNED BY PARTICIPATING ENTITIES.

9 5. ALLOWS EACH PARTICIPATING ENTITY TO MAINTAIN DISCRETIONARY
10 REAL-TIME CONTROL OF ALL COMMUNICATIONS ASSETS OWNED OR OPERATED BY THE
11 ENTITY.

12 6. ENCRYPTS ALL MEDIA COMMUNICATIONS.

13 7. IS CERTIFIED UNDER THE UNITED STATES DEPARTMENT OF HOMELAND
14 SECURITY SAFETY ACT AS QUALIFIED ANTI-TERRORISM TECHNOLOGY.

15 8. IS COMPATIBLE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY
16 INTEROPERABLE GATEWAY SYSTEM FOR DISASTER COMMUNICATIONS.

17 9. ENSURES STUDENT AND STAFF PRIVACY.

18 B. ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE SHERIFF OF A COUNTY
19 THAT HAS ESTABLISHED A SCHOOL SAFETY PILOT PROGRAM PURSUANT TO THIS
20 SECTION SHALL SUBMIT A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE OF
21 ALL EXPENDITURES MADE FOR THE SCHOOL SAFETY PILOT PROGRAM IN THE PRECEDING
22 FISCAL YEAR.

23 Sec. 20. Title 41, chapter 12, article 2, Arizona Revised Statutes,
24 is amended by adding section 41-1734, to read:

25 41-1734. Video recordings; release; consent; redactions;
26 request requirements; fee

27 A. THE DEPARTMENT MAY RELEASE TO THE PUBLIC A COPY OF A VIDEO
28 RECORDING ONLY IF ONE OR MORE OF THE FOLLOWING APPLY:

29 1. ALL PERSONS OTHER THAN PEACE OFFICERS SHOWN IN THE VIDEO
30 RECORDING CONSENT TO THE RELEASE, OR ANY INFORMATION THAT MAY IDENTIFY
31 PERSONS SHOWN IN THE VIDEO HAS BEEN REDACTED. IF A PERSON SHOWN IN THE
32 VIDEO RECORDING IS DECEASED, THE PERSON'S PARENT, GUARDIAN, NEXT OF KIN OR
33 ESTATE MAY PROVIDE THE CONSENT.

34 2. THE DEPARTMENT IS THE CUSTODIAN OF THE VIDEO RECORDING AND
35 REASONABLY DETERMINES THAT THERE IS AN IMPORTANT PUBLIC PURPOSE FOR
36 RELEASING THE VIDEO RECORDING, INCLUDING A SITUATION IN WHICH THE VIDEO
37 RECORDING INVOLVES ANY OF THE FOLLOWING:

38 (a) A PERSON BEING ARRESTED FOR A MISDEMEANOR OR FELONY WITH A
39 SENTENCE THAT MAY RESULT IN INCARCERATION.

40 (b) ONE OR MORE PEACE OFFICERS USING PHYSICAL FORCE.

41 (c) AN ALLEGATION OF LAW ENFORCEMENT MISCONDUCT.

42 B. BEFORE THE DEPARTMENT RELEASES TO THE PUBLIC A COPY OF A VIDEO
43 RECORDING, THE DEPARTMENT SHALL REVIEW THE VIDEO RECORDING TO DETERMINE
44 WHETHER REDACTING OR WITHHOLDING THE VIDEO RECORDING IS APPROPRIATE. THE
45 DEPARTMENT:

1 1. SHALL REDACT INFORMATION THAT MAY IDENTIFY PERSONS SHOWN IN THE
2 VIDEO RECORDING IF A REASONABLE EXPECTATION OF PRIVACY EXISTS UNLESS THE
3 DEPARTMENT OBTAINS THE CONSENT OF ALL PERSONS REQUIRED BY SUBSECTION A,
4 PARAGRAPH 1 OF THIS SECTION OR THE VIDEO RECORDING INVOLVES AN ARREST
5 DESCRIBED IN SUBSECTION A, PARAGRAPH 2, SUBDIVISION (a) OF THIS SECTION.
6 IF THE VIDEO RECORDING INVOLVES AN INCIDENT OCCURRING IN A PUBLIC PLACE,
7 THE DEPARTMENT IS NOT REQUIRED TO REDACT INFORMATION THAT MAY IDENTIFY
8 PERSONS WHO APPEAR IN THE VIDEO RECORDING ONLY INCIDENTALLY.

9 2. MAY WITHHOLD OR REDACT A VIDEO RECORDING IF THE DEPARTMENT
10 DETERMINES THAT THE VIDEO RECORDING IS A PUBLIC RECORD AND THAT PRIVACY,
11 CONFIDENTIALITY OR THE BEST INTERESTS OF THIS STATE OUTWEIGH RELEASING OR
12 DISCLOSING THE VIDEO RECORDING.

13 3. MAY WITHHOLD OR REDACT A VIDEO RECORDING IF WITHHOLDING OR
14 REDACTING THE VIDEO RECORDING IS NECESSARY TO PROTECT A VICTIM'S RIGHTS
15 GUARANTEED UNDER ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA.

16 C. NOTWITHSTANDING TITLE 39, CHAPTER 1, ARTICLE 2, THE DEPARTMENT
17 SHALL DENY A PERSON'S REQUEST FOR A COPY OF A VIDEO RECORDING IF THE
18 PERSON FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION. THE
19 DEPARTMENT MAY NOT RELEASE A COPY OF THE VIDEO RECORDING UNLESS THE PERSON
20 SUBMITS A WRITTEN REQUEST THAT CONTAINS ALL OF THE FOLLOWING INFORMATION:

21 1. THE DATE AND APPROXIMATE TIME OF THE VIDEO RECORDING.

22 2. THE SPECIFIC LOCATION WHERE THE VIDEO RECORDING OCCURRED.

23 3. THE NAME OF ONE OR MORE PERSONS KNOWN TO BE A SUBJECT OF THE
24 VIDEO RECORDING.

25 D. A PERSON WHO MAKES A PUBLIC RECORDS REQUEST TO THE DEPARTMENT
26 FOR A VIDEO RECORDING BUT WHO FAILS TO PROVIDE ALL OF THE INFORMATION
27 REQUIRED IN SUBSECTION C OF THIS SECTION MAY SUBMIT A SUBSEQUENT REQUEST
28 FOR THE SAME VIDEO RECORDING BY PROVIDING ALL OF THE REQUIRED INFORMATION.

29 E. THE DEPARTMENT SHALL ESTABLISH A FEE THAT IS CHARGED TO A PERSON
30 WHO SUBMITS A REQUEST FOR A COPY OF A VIDEO RECORDING PURSUANT TO THIS
31 SECTION. THE DEPARTMENT MAY TAKE INTO CONSIDERATION THE FOLLOWING
32 INFORMATION WHEN DETERMINING THE AMOUNT OF THE FEE:

33 1. THE COST OF REVIEWING, MAKING A COPY OF AND, AS NECESSARY,
34 REDACTING THE VIDEO RECORDING.

35 2. THE HOURLY COMPENSATION OF A PUBLIC RECORDS EMPLOYEE.

36 3. ANY OTHER RELEVANT INFORMATION.

37 Sec. 21. Title 41, chapter 12, article 5, Arizona Revised Statutes,
38 is amended by adding section 41-1772, to read:

39 41-1772. Rapid DNA testing; definitions

40 A. THE DIRECTOR SHALL ADOPT RULES PURSUANT TO CHAPTER 6 OF THIS
41 TITLE PRESCRIBING PROCEDURES FOR ADMINISTERING RAPID DNA TESTING OF CRIME
42 SCENE DNA SAMPLES, INCLUDING:

43 1. PROCEDURES FOR APPROVING RAPID DNA TESTING DEVICES.

44 2. PROCEDURES FOR ENSURING THE ACCURACY OF RESULTS OBTAINED FROM
45 RAPID DNA TESTING DEVICES.

1 3. QUALIFICATIONS FOR PERSONS WHO CONDUCT RAPID DNA TESTING.

2 4. QUALIFICATIONS FOR PERSONS WHO INSTRUCT OTHERS ON ADMINISTERING
3 RAPID DNA TESTING.

4 B. FOR THE PURPOSES OF THIS SECTION:

5 1. "CRIME SCENE DNA SAMPLE" MEANS A DNA SAMPLE OF UNKNOWN ORIGIN
6 THAT IS ALLEGEDLY LEFT AT THE SCENE OF A CRIME DURING THE COMMISSION OF A
7 CRIME.

8 2. "RAPID DNA TESTING" MEANS A DNA ANALYSIS THAT IS COMPLETED
9 WITHIN FIVE CALENDAR DAYS AFTER COLLECTING THE DNA SAMPLE.

10 Sec. 22. Section 45-252, Arizona Revised Statutes, is amended to
11 read:

12 45-252. General adjudication; representation; superior court;
13 assignment to judge; personnel funding; petition

14 A. One or more water users ~~upon~~ ON a river system and source, the
15 water rights of which have not been previously adjudicated under this
16 article and administered by the director of water resources, or ~~the~~ THIS
17 state ~~of Arizona~~ upon ON the request of any state agency other than the
18 department of water resources may file a petition to have determined in a
19 general adjudication the nature, extent and relative priority of the water
20 rights of all persons in the river system and source.

21 B. The attorney general shall represent ~~the~~ THIS state ~~of Arizona~~
22 in connection with all water claims asserted by this state. The director
23 shall be represented by legal counsel retained in accordance with section
24 45-104, subsection F.

25 C. The general adjudication shall be brought and maintained in the
26 superior court in the county in which the largest number of potential
27 claimants resides. The clerk of the court in which the petition is filed
28 shall notify the supreme court, and the supreme court shall ~~be responsible~~
29 ~~for assigning~~ ASSIGN the general adjudication to a superior court judge
30 and ~~appointing~~ APPOINT a master and ~~for consolidating~~ SHALL CONSOLIDATE
31 the general adjudication with other pending general adjudications, if
32 appropriate.

33 D. THE SUPREME COURT MAY APPOINT ADDITIONAL PARALEGALS AND LAW
34 CLERKS FOR THE GENERAL ADJUDICATION. NOTWITHSTANDING SECTION 12-128, THE
35 SUPERIOR COURT JUDGE, MASTER, PARALEGAL AND LAW CLERK POSITIONS PRESCRIBED
36 IN THIS SUBSECTION AND SUBSECTION C OF THIS SECTION SHALL BE FULLY FUNDED
37 BY THIS STATE.

38 ~~D.~~ E. The petition for a general adjudication shall be captioned:
39 "In re the general adjudication of all rights to use water in the
40 _____ river system and source" and shall request that the court
41 determine the nature, extent and relative priority of the water rights of
42 all persons in the river system and source.

1 Sec. 23. Laws 2018, chapter 278, section 14, as amended by Laws
2 2019, chapter 268, section 6 and Laws 2020, chapter 51, section 4, is
3 amended to read:

4 Sec. 14. Department of emergency and military affairs;
5 military installation fund; fiscal years
6 2018-2019, 2019-2020, 2020-2021, 2021-2022,
7 2022-2023, 2023-2024, 2024-2025 and 2025-2026;
8 exemption

9 A. Notwithstanding section 26-262, Arizona Revised Statutes, the
10 department of emergency and military affairs may use up to \$1,250,000 in
11 the military installation fund established by section 26-262, Arizona
12 Revised Statutes, ~~in~~ **OVER THE COMBINED** fiscal years 2018-2019, 2019-2020,
13 2020-2021, ~~and~~ 2021-2022, **2022-2023, 2023-2024, 2024-2025 AND 2025-2026** to
14 construct a readiness center.

15 B. The appropriation made in subsection A of this section is exempt
16 from the provisions of section 35-190, Arizona Revised Statutes, relating
17 to the lapsing of appropriations until June 30, ~~2022~~ **2026**.

18 Sec. 24. Laws 2018, chapter 278, section 17 is amended to read:

19 Sec. 17. Supreme court; juvenile probation services fund;
20 alternative dispute resolution fund; drug
21 treatment and education fund; Arizona lengthy
22 trial fund; fiscal years 2018-2019, 2019-2020,
23 2020-2021 and 2021-2022

24 Notwithstanding sections 8-322, 12-135, 13-901.02 and 21-222,
25 Arizona Revised Statutes, in fiscal years 2018-2019, ~~and~~ 2019-2020,
26 **2020-2021 AND 2021-2022**, the supreme court may use up to ~~\$3,150,000~~
27 **\$2,600,000** over the combined fiscal years to design, implement and upgrade
28 a new appellate case management system. The total monies allocated by
29 this section may not exceed ~~\$3,150,000~~ **\$2,600,000**. The supreme court may
30 use monies in any of the following funds for the purposes of the new
31 appellate case management system:

32 1. The juvenile probation services fund established by section
33 8-322, Arizona Revised Statutes.

34 2. The alternative dispute resolution fund established by section
35 12-135, Arizona Revised Statutes.

36 3. The drug treatment and education fund established by section
37 13-901.02, Arizona Revised Statutes.

38 4. The Arizona lengthy trial fund established by section 21-222,
39 Arizona Revised Statutes.

40 Sec. 25. State department of corrections; budget structure

41 Notwithstanding any other law, the state department of corrections
42 shall report actual fiscal year 2020-2021, estimated fiscal year 2021-2022
43 and requested fiscal year 2022-2023 expenditures in the same structure and
44 detail as the prior fiscal year when the department submits the fiscal
45 year 2022-2023 budget estimate pursuant to section 35-113, Arizona Revised

1 Statutes. The information submitted for each line item shall contain as
2 much detail as submitted in previous years for prior line items.

3 Sec. 26. Department of public safety; state aid to indigent
4 defense fund; fiscal year 2021-2022

5 Notwithstanding section 11-588, Arizona Revised Statutes, the
6 department of public safety may use monies in the state aid to indigent
7 defense fund established by section 11-588, Arizona Revised Statutes, in
8 fiscal year 2021-2022 for operating expenses.

9 Sec. 27. Department of public safety; virtual firing range;
10 White Mountain Apache police department

11 Notwithstanding any other law, pursuant to the appropriation and
12 authorization to purchase ten virtual firing ranges made in Laws 2018,
13 chapter 312, section 5, as amended by Laws 2019, chapter 283, section 1,
14 the department of public safety shall purchase one of the ten virtual
15 firing ranges for the White Mountain Apache police department.

16 Sec. 28. Retroactivity

17 The following apply retroactively to from and after December 31,
18 2020:

- 19 1. Laws 2021, chapter 322, section 1.
- 20 2. Laws 2021, chapter 338, section 1.
- 21 3. Section 38-1117, Arizona Revised Statutes, as amended by this
22 act.
- 23 4. Section 38-1161, Arizona Revised Statutes, as amended by this
24 act.