

Senate Engrossed House Bill
use of force; reports; analysis

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

CHAPTER 290
HOUSE BILL 2168

AN ACT

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

(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. Use-of-force incidents; data collection; reports;
5 rules; public records; definitions

6 A. A LAW ENFORCEMENT AGENCY SHALL COLLECT AND REPORT USE-OF-FORCE
7 INCIDENTS INVOLVING LAW ENFORCEMENT OFFICERS TO THE ARIZONA CRIMINAL
8 JUSTICE COMMISSION BEGINNING JANUARY 1, 2022. A LAW ENFORCEMENT AGENCY
9 SHALL SUBMIT REPORTS ON USE-OF-FORCE INCIDENTS TO THE ARIZONA CRIMINAL
10 JUSTICE COMMISSION AT LEAST ANNUALLY THEREAFTER. THE REPORTED DATA MAY
11 NOT INCLUDE ANY IDENTIFYING INFORMATION ON A LAW ENFORCEMENT OFFICER AND
12 THE DATA COLLECTED AND REPORTED SHALL BE CONSISTENT WITH THE FEDERAL
13 BUREAU OF INVESTIGATION'S NATIONAL USE-OF-FORCE DATA COLLECTION.

14 B. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ESTABLISH
15 PROCEDURES GOVERNING THE COLLECTION AND REPORTING OF USE-OF-FORCE INCIDENT
16 DATA THAT ARE CONSISTENT WITH THE REQUIREMENTS, DEFINITIONS AND METHODS OF
17 THE NATIONAL USE-OF-FORCE DATA COLLECTION.

18 C. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL PUBLISH THE DATA
19 REPORTED DURING THE IMMEDIATE PAST YEAR UNDER SUBSECTION A OF THIS SECTION
20 BEGINNING MARCH 1, 2023 AND ON OR BEFORE MARCH 1 OF EACH YEAR THEREAFTER,
21 INCLUDING STATEWIDE AGGREGATE DATA AND AGENCY-SPECIFIC DATA, IN A PUBLICLY
22 AVAILABLE DATABASE.

23 D. ON OR BEFORE JANUARY 1, 2025, THE ARIZONA CRIMINAL JUSTICE
24 COMMISSION SHALL CONDUCT AN ANALYSIS OF LAW ENFORCEMENT AGENCY
25 USE-OF-FORCE RATES REPORTED PURSUANT TO THIS SECTION AND SHALL RELEASE THE
26 ANALYSIS OF TRENDS OR DISPARITIES IN THE USE-OF-FORCE INCIDENT DATA, IF
27 ANY, TO THE PUBLIC. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL UPDATE
28 THIS REPORT AT LEAST ONCE EVERY FIVE YEARS.

29 E. FOR THE PURPOSES OF THIS SECTION:

30 1. "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT AGENCY OF THIS
31 STATE OR A POLITICAL SUBDIVISION OF THIS STATE, INCLUDING THE DEPARTMENT
32 OF PUBLIC SAFETY, A MUNICIPAL, CITY, TOWN, COUNTY AND TRIBAL POLICE
33 AGENCY, A SHERIFF AND SPECIAL JURISDICTION POLICE.

34 2. "NATIONAL USE-OF-FORCE DATA COLLECTION" MEANS THE NATIONAL
35 USE-OF-FORCE DATA COLLECTION THAT IS ESTABLISHED AND ADMINISTERED BY THE
36 FEDERAL BUREAU OF INVESTIGATION TO PROVIDE NATIONWIDE STATISTICS ON LAW
37 ENFORCEMENT USE-OF-FORCE INCIDENTS.

38 3. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN
39 SECTION 13-105.

40 4. "USE-OF-FORCE INCIDENT" MEANS AN INCIDENT IN WHICH ANY OF THE
41 FOLLOWING OCCURS:

42 (a) A LAW ENFORCEMENT OFFICER'S USE OF FORCE IS CONNECTED TO A
43 PERSON'S DEATH.

1 (b) A LAW ENFORCEMENT OFFICER'S USE OF FORCE IS CONNECTED TO A
2 PERSON RECEIVING A SERIOUS PHYSICAL INJURY.

3 (c) IN THE ABSENCE OF DEATH OR SERIOUS PHYSICAL INJURY, A LAW
4 ENFORCEMENT OFFICER DISCHARGED A FIREARM AT OR IN THE DIRECTION OF A
5 PERSON.

6 Sec. 2. Effective date

7 This act is effective from and after December 31, 2021.

APPROVED BY THE GOVERNOR APRIL 28, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2021.