

criminal justice; budget reconciliation; 2021-2022.

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

## CHAPTER 403

# 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. ~~★~~ 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,~~ **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. AWARING GRANTS TO COUNTIES TO PROVIDE HOUSING IN SECURE  
29 FACILITIES.

30 7. AWARING 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           ~~2.~~ (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.

APPROVED BY THE GOVERNOR JUNE 30, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 30, 2021.