



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR H.B. 2295

law enforcement officers; database; rules

**Purpose**

Prohibits a law enforcement agency from using the placement of a law enforcement officer's (officer's) name in a Rule 15.1 Database (Database) as the sole reason for taking any disciplinary action against the officer and outlines requirements and procedures for prosecuting agencies and officers to follow regarding a Database.

**Background**

The Arizona Rules of Criminal Procedure are established to govern procedures in all criminal proceedings in Arizona courts unless specifically stated otherwise ([Ariz. R. Crim. P. 1.1](#)).

Unless provided by a local rule or otherwise ordered by the court, the state must: 1) make available to a defendant all reports containing prescribed information possessed by a charging attorney when the charge was filed; and 2) make these reports available by the preliminary hearing or, if no preliminary hearing is held, the arraignment. These reports must include: 1) all existing original and supplemental reports prepared by a law enforcement agency in connection with the charged offense; and 2) any report prepared or other relevant information gathered by an expert who has examined a defendant or any evidence in the case.

The state's disclosure obligation extends to material and information in the possession or control of: 1) the prosecutor, other attorneys in the prosecutor's office and members of the prosecutor's staff; 2) any law enforcement agency that has participated in the investigation of the case and is under the prosecutor's direction or control; and 3) any other person who is under the prosecutor's direction or control and who has participated in the investigation or evaluation of the case ([Ariz. R. Crim. P. 15.1](#)).

Statute states that an officer is not subject to disciplinary action without just cause. The following are exempt from this statute: 1) a dismissal or demotion that is for administrative purposes, including a reduction in force; or 2) if the officer is an at will employee ([A.R.S. § 38-1103](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

**Provisions**

1. Prohibits a law enforcement agency from using the placement of an officer's name in a Database as the sole reason for taking or denying any of the following employment actions against the officer:
  - a) demotion;

FACT SHEET – Amended

H.B. 2295

Page 2

- b) suspension;
  - c) termination; and
  - d) any other disciplinary action as defined by statute.
2. Specifies that a law enforcement agency is not restricted in using the underlying facts that were the basis for placement of the officer's name in the Database for taking disciplinary action against the officer in accordance with the law enforcement agency's adopted procedures and governing laws.
  3. Requires a prosecuting agency to send a written notice by mail or email to an officer's current or last known employment address at least 10 days, or as soon as practicable, before the prosecuting agency makes a determination to place the officer's name in the Database.
  4. Requires the officer's current or last known employer, on receipt of the written notice, to send the written notice to the officer's current or last known address.
  5. Requires the written notice to include:
    - a) a notice of possible placement in the Database;
    - b) the officer's right to request relevant materials from the prosecuting agency;
    - c) the officer's right to provide input to the prosecuting agency prior to a decision of whether the officer's name should be added to the Database; and
    - d) the prosecuting agency's procedural requirements for an officer to provide such input.
  6. Requires the prosecuting agency's written notice, if the prosecuting agency decides to place the officer's name in the Database, to include:
    - a) the officer's right to request for reconsideration of the allegations and placement in the Database;
    - b) the prosecuting agency's procedural requirements for submitting a written request for reconsideration, including the method and timeframe for submitting the request for reconsideration and any supporting and corroborating documents and evidence from any pertinent sources; and
    - c) a statement that, if the officer intends to request a reconsideration of the placement, the officer must submit the written request for reconsideration to the prosecuting agency within 10 business days after receiving the notice.
  7. Allows the written notice that the officer's name has been placed in the Database to be sent by mail or email to the officer's current or last known employment address.
  8. Requires the officer's current or last known employer to send the written notice to the officer, as outlined.
  9. Requires the officer's name to be removed from the Database if the officer submits a request for reconsideration and the request is approved by the prosecuting agency on its merits.
  10. Requires the officer's name to remain in the Database if:
    - a) the officer's request for reconsideration is denied by the prosecuting agency; or
    - b) the officer does not submit a request for reconsideration or fails to comply with the requirements for submitting a request for reconsideration.

11. Requires a prosecuting agency that maintains a Database to adopt a policy that, at a minimum, includes:
  - a) the criteria used by the prosecuting agency to place an officer's name in the Database;
  - b) the officer's right to receive written notice at least 10 days before, or as soon as practicable, the agency's determination to place the officer's name in the Database and the officer's right to provide input on the prosecuting agency's determination;
  - c) the duty of the prosecuting agency to provide notice to the officer's current or last place of employment of the agency's decision regarding placing the officer's name in the Database;
  - d) the officer's right to request a reconsideration of the placement of the officer's name in the Database and submit supporting and corroborating documents and evidence in support of the request for reconsideration; and
  - e) the applicable timeframe and procedures for notifying the officer of the prosecuting agency's final decision on the officer's request for reconsideration.
12. Specifies that the proposed changes do not:
  - a) limit the duty of a prosecuting agency to produce Database information in all cases as required by the U.S. Constitution, the Arizona Constitution and the Arizona Rules of Criminal Procedure, including after the initial placement of the officer's name in the Database while the decision or a request for reconsideration is still under consideration; and
  - b) limit or restrict a prosecuting agency's ability to remove an officer's name from a Database if, on receipt of additional supporting and corroborating information or a change in factual circumstances, the prosecuting agency determines that the officer's name no longer requires placement in the Database.
13. Requires a prosecuting agency that maintains a Database to use the Database only to:
  - a) make a charging decision;
  - b) disclose information that is required by the U.S. Constitution, the Arizona Constitution, Rule 15.1 of the Arizona Rules of Criminal Procedure and any other rule adopted by the Arizona Supreme Court or Arizona public records laws; or
  - c) complete any other legal obligation.
14. Defines *prosecuting agency* as the Attorney General, the county attorney of each county and the entity in a city or town that is responsible for prosecuting criminal violations.
15. Defines *Rule 15.1 Database* or *Database* as any list that a prosecuting agency maintains to comply with the U.S. Constitution, the Arizona Constitution, Rule 15.1 of the Arizona Rules of Criminal Procedure or any other rule that is adopted by the Arizona Supreme Court.
16. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. States that a prosecuting agency that is unable to provide notice 10 days before making a determination to place an officer's name in a Database must provide the notice as soon as practicable.

FACT SHEET – Amended

H.B. 2295

Page 4

2. Specifies that the duty of a prosecuting agency to produce disclosure information includes initial placement of an officer in the Database while being considered for placement.
3. Provides that a prosecuting agency must use the Database only to make a charging decision, rather than a report, that is required by applicable state and federal laws and rules.

House Action

MAPS	2/1/21	DP	8-5-1-0
3 <sup>rd</sup> Read	2/23/21		29-30-1
3 <sup>rd</sup> Read*	3/4/21		31-28-1

\*On reconsideration

Senate Action

JUD	3/18/21	DP	5-2-1
-----	---------	----	-------

Prepared by Senate Research

April 26, 2021

JA/gs/kja