

REFERENCE TITLE: use of force; reports; analysis

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

HB 2168

Introduced by
Representative Blackman

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 REPORT DATA TO THE NATIONAL
7 USE-OF-FORCE DATA COLLECTION ON USE-OF-FORCE INCIDENTS INVOLVING PUBLIC
8 OFFICERS AT LEAST ANNUALLY. THE REPORTED DATA MAY NOT INCLUDE ANY
9 IDENTIFYING INFORMATION ON A PUBLIC OFFICER. A LAW ENFORCEMENT AGENCY
10 SHALL SUBMIT THE REPORT THROUGH THE LAW ENFORCEMENT ENTERPRISE PORTAL THAT
11 IS ADMINISTERED BY THE FEDERAL BUREAU OF INVESTIGATION.

12 B. A LAW ENFORCEMENT AGENCY SHALL REPORT THE DATA COLLECTED
13 PURSUANT TO SUBSECTION A OF THIS SECTION TO THE ARIZONA CRIMINAL JUSTICE
14 COMMISSION AT LEAST ANNUALLY.

15 C. ON OR BEFORE JULY 1, 2022, THE ARIZONA CRIMINAL JUSTICE
16 COMMISSION SHALL DEVELOP STANDARDS AND PROCEDURES GOVERNING THE COLLECTION
17 AND REPORTING OF USE-OF-FORCE INCIDENT DATA. THESE STANDARDS AND
18 PROCEDURES MUST BE CONSISTENT WITH THE REQUIREMENTS, DEFINITIONS AND
19 METHODS OF THE NATIONAL USE-OF-FORCE DATA COLLECTION.

20 D. THE DATA REPORTED PURSUANT TO THIS SECTION IS A PUBLIC RECORD.

21 E. ON OR BEFORE JANUARY 1, 2025, THE ARIZONA CRIMINAL JUSTICE
22 COMMISSION SHALL CONDUCT A COMPREHENSIVE ANALYSIS OF LAW ENFORCEMENT
23 AGENCY USE-OF-FORCE RATES REPORTED PURSUANT TO THIS SECTION AND SHALL
24 RELEASE THE ANALYSIS TO THE PUBLIC. THE ARIZONA CRIMINAL JUSTICE
25 COMMISSION SHALL UPDATE THIS REPORT AT LEAST ONCE EVERY FIVE YEARS.

26 F. FOR THE PURPOSES OF THIS SECTION:

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

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

35 3. "PUBLIC OFFICER" MEANS ALL LAW ENFORCEMENT OFFICERS OF THIS
36 STATE AND POLITICAL SUBDIVISIONS OF THIS STATE WHO BOTH:

37 (a) ARE SWORN BY THE OFFICERS' RESPECTIVE GOVERNMENT AUTHORITIES TO
38 UPHOLD THE LAW AND TO SAFEGUARD THE RIGHTS, LIVES AND PROPERTY OF AMERICAN
39 CITIZENS.

40 (b) HAVE FULL ARREST POWERS, ARE MEMBERS OF PUBLIC GOVERNMENTAL LAW
41 ENFORCEMENT AGENCIES AND ARE PAID FROM GOVERNMENT MONIES SET ASIDE
42 SPECIFICALLY FOR PAYMENT TO SWORN POLICE LAW ENFORCEMENT WHO ARE ORGANIZED
43 FOR THE PURPOSE OF KEEPING ORDER AND FOR PREVENTING AND DETECTING CRIMES
44 AND APPREHENDING THOSE RESPONSIBLE.

1 4. "USE-OF-FORCE INCIDENT" MEANS AN INCIDENT IN WHICH ANY OF THE
2 FOLLOWING OCCURS:
3 (a) A PUBLIC OFFICER'S USE OF FORCE IS CONNECTED TO A PERSON'S
4 DEATH.
5 (b) A PUBLIC OFFICER'S USE OF FORCE IS CONNECTED TO A PERSON
6 RECEIVING A SERIOUS PHYSICAL INJURY.
7 (c) IN THE ABSENCE OF DEATH OR SERIOUS PHYSICAL INJURY, A PUBLIC
8 OFFICER DISCHARGED A FIREARM AT OR IN THE DIRECTION OF A PERSON.
9 Sec. 2. Effective date
10 This act is effective from and after December 31, 2021.