



ARIZONA STATE SENATE

Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2347

law enforcement; misconduct investigations; extension

Purpose

Allows an employer to extend a misconduct investigation against a law enforcement officer beyond 180 calendar days if certain conditions are met.

Background

An employer must make a good faith effort to complete any investigation of employee misconduct within 180 calendar days after the employer receives notice of the allegation by a person authorized by the employer to initiate an investigation of the misconduct. The investigation is considered complete on the date the employee is served with the notice of discipline or the notice of findings. Before the employer exceeds the 180-calendar-day limit, the employer must provide the employee with a written explanation containing the reasons the investigation continued beyond 180 calendar days. On an appeal of discipline by the employee, a hearing officer, administrative law judge or appeals board may dismiss the discipline if it is determined that the employer did not make a good faith effort to complete the investigation within 180 calendar days ([A.R.S. § 38-1110](#)).

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

Provisions

1. Allows an employer to continue an investigation beyond the 180-calendar-day period only if it is demonstrated that additional time is necessary to obtain and review evidence.
2. Prohibits any investigation continuation from exceeding beyond 180 calendar days.
3. Allows an employer who is subject to supervision by a court ordered monitor to extend an investigation by 360 days, rather than 180 calendar days.
4. Requires an investigation to be dismissed if the investigation is not completed by the end of the extension period.
5. States that the 180-calendar-day limit does not preclude an employer from initiating a new investigation of the employee for misconduct upon newly discovered material evidence that could not be discovered with reasonable diligence during the 180-calendar-day limit or any extension.

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6. Requires, rather than allows, a hearing officer, administrative law judge or appeals board to dismiss discipline if an employer does not make a good faith effort to complete the investigation within 180 calendar days, or any extension.
7. Makes technical and conforming changes.
8. Becomes effective on the general effective date.

House Action

MAPS 2/7/22 DP 10-3-2-0
3rd Read 2/22/22 33-26-1

Prepared by Senate Research

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ZD/HK/sr