

REFERENCE TITLE: **DPS; critical incident bureau; establishment**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2582

Introduced by
Representative Bowers

AN ACT

AMENDING SECTION 41-1712, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.1; APPROPRIATING MONIES; RELATING TO PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-1712, Arizona Revised Statutes, is amended to read:

41-1712. Organization of department; divisions

A. The department shall consist of the following divisions:

1. Arizona highway patrol.
2. Narcotics enforcement and criminal investigation.
3. Scientific criminal analysis.
4. Training and education.

5. CRITICAL INCIDENT BUREAU.

B. The department may establish district headquarters and stations at various places in the state, using existing facilities wherever possible, with the personnel and equipment necessary for the proper functioning and operation of the headquarters and stations.

C. The director may establish other divisions or reserves or reorganize or consolidate the department.

Sec. 2. Title 41, chapter 12, Arizona Revised Statutes, is amended by adding article 4.1, to read:

ARTICLE 4.1. CRITICAL INCIDENT BUREAU

41-1762. Critical incident bureau; superintendent; qualifications; powers; jurisdiction; definition

A. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DEPARTMENT SHALL MAINTAIN A DIVISION KNOWN AS THE CRITICAL INCIDENT BUREAU.

B. THE SUPERINTENDENT OF THE CRITICAL INCIDENT BUREAU SHALL BE SELECTED ON THE BASIS OF TRAINING AND EXPERIENCE AND HAVE A MINIMUM OF FIVE YEARS OF EXPERIENCE IN THE ADMINISTRATION OF LAW ENFORCEMENT.

C. THE DIRECTOR MAY ADOPT RULES GOVERNING THE POLICIES, PROCEDURES AND ADMINISTRATION OF ALL ACTIVITIES OF THE CRITICAL INCIDENT BUREAU.

D. THE CRITICAL INCIDENT BUREAU SHALL:

1. CONDUCT INDEPENDENT INVESTIGATIONS OF CRITICAL FORCE INCIDENTS. EACH LAW ENFORCEMENT AGENCY IN THIS STATE SHALL REQUIRE THE CRITICAL INCIDENT BUREAU, A REGIONAL LAW ENFORCEMENT TASK FORCE OR ANOTHER LAW ENFORCEMENT AGENCY TO INVESTIGATE ANY CRITICAL FORCE INCIDENTS IN THIS STATE.

2. AT THE WRITTEN REQUEST OF A CHIEF OF POLICE OR A COUNTY SHERIFF, INVESTIGATE A CRIMINAL MISCONDUCT ALLEGATION AGAINST A PEACE OFFICER EMPLOYED BY THE LAW ENFORCEMENT AGENCY.

E. FOR THE PURPOSES OF THIS SECTION, "CRITICAL FORCE INCIDENT" MEANS:

1. ANY DISCHARGE OF A FIREARM BY A PEACE OFFICER, DUE TO A USE OF FORCE ENCOUNTER, REGARDLESS OF WHETHER IT RESULTS IN THE INJURY OR DEATH OF AN INDIVIDUAL.

2. AN INCIDENT INVOLVING THE USE OF OR THE INTENDED USE OF DEADLY FORCE BY ANY OTHER MEANS, EITHER DURING AN ON-DUTY INCIDENT OR OFF-DUTY INCIDENT WHILE ACTING UNDER THE COLOR OF AUTHORITY.

1 Sec. 3. Appropriation: critical incident bureau: exemption

2 A. The sum of \$25,000,000 is appropriated from the state general
3 fund in fiscal year 2022-2023 to the department of public safety to
4 establish and maintain a critical incident bureau.

5 B. The appropriation made in subsection A of this section is exempt
6 from the provisions of section 35-190, Arizona Revised Statutes, relating
7 to lapsing of appropriations.

8 Sec. 4. Effective date

9 Section 41-1712, Arizona Revised Statutes, as amended by this act,
10 and title 41, chapter 12, article 4.1, Arizona Revised Statutes, as added
11 by this act, are effective from and after June 30, 2025.