

Senate Engrossed House Bill

~~property tax; exemption; disability; veterans~~  
(now: death benefit; assault; first responders)

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

## **HOUSE CONCURRENT RESOLUTION 2027**

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING  
TO FIRST RESPONDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to first responders, is enacted to become  
5 valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

8 AMENDING SECTIONS 12-116.01 AND 13-1204, ARIZONA REVISED  
9 STATUTES; AMENDING TITLE 38, CHAPTER 8, ARIZONA REVISED  
10 STATUTES, BY ADDING ARTICLE 4; AMENDING SECTION 41-1730,  
11 ARIZONA REVISED STATUTES; RELATING TO FIRST RESPONDERS.

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

13 Section 1. Section 12-116.01, Arizona Revised Statutes,  
14 is amended to read:

15 12-116.01. Surcharges; remittance reports; fund  
16 deposits

17 A. In addition to any penalty provided by law, a  
18 surcharge shall be levied in an amount of forty-two percent on  
19 every fine, penalty and forfeiture imposed and collected by  
20 the courts for criminal offenses and any civil penalty imposed  
21 and collected for a civil traffic violation and fine, penalty  
22 or forfeiture for a violation of the motor vehicle statutes,  
23 for any local ordinance relating to the stopping, standing or  
24 operation of a vehicle or for a violation of the game and fish  
25 statutes in title 17.

26 B. In addition to any penalty provided by law, a  
27 surcharge shall be levied in an amount of seven percent on  
28 every fine, penalty and forfeiture imposed and collected by  
29 the courts for criminal offenses and any civil penalty imposed  
30 and collected for a civil traffic violation and fine, penalty  
31 or forfeiture for a violation of the motor vehicle statutes,  
32 for any local ordinance relating to the stopping, standing or  
33 operation of a vehicle or for a violation of the game and fish  
34 statutes in title 17.

35 C. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO  
36 THIS SECTION THROUGH DECEMBER 31, 2031, IN ADDITION TO ANY  
37 PENALTY PROVIDED BY LAW, A SURCHARGE SHALL BE LEVIED IN AN  
38 AMOUNT OF TWO PERCENT ON EVERY FINE, PENALTY AND FORFEITURE  
39 IMPOSED AND COLLECTED BY THE COURTS FOR CRIMINAL OFFENSES AND  
40 ANY CIVIL PENALTY IMPOSED AND COLLECTED FOR A CIVIL TRAFFIC  
41 VIOLATION AND FINE, PENALTY OR FORFEITURE FOR A VIOLATION OF  
42 THE MOTOR VEHICLE STATUTES, FOR ANY LOCAL ORDINANCE RELATING  
43 TO THE STOPPING, STANDING OR OPERATION OF A VEHICLE OR FOR A  
44 VIOLATION OF THE GAME AND FISH STATUTES IN TITLE 17.

1           ~~C.~~ D. In addition to any penalty provided by law, a  
2 surcharge shall be levied in an amount of six percent, ~~—~~ on  
3 every fine, penalty and forfeiture imposed and collected by  
4 the courts for criminal offenses and any civil penalty imposed  
5 and collected for a civil traffic violation and fine, penalty  
6 or forfeiture for a violation of the motor vehicle statutes,  
7 for any local ordinance relating to the stopping, standing or  
8 operation of a vehicle or for a violation of the game and fish  
9 statutes in title 17.

10           ~~D.~~ E. If any deposit of bail or bond or deposit for an  
11 alleged civil traffic violation is to be made for a violation,  
12 the court shall require a sufficient amount to include the  
13 surcharge prescribed in this section for forfeited bail, bond  
14 or deposit. If bail, bond or deposit is forfeited, the court  
15 shall transmit the amount of the surcharge pursuant to  
16 subsection ~~H~~ H of this section. If bail, bond or deposit is  
17 returned, the surcharge made pursuant to this article shall  
18 also be returned.

19           ~~E.~~ F. After addition of the surcharge, the courts may  
20 round the total amount due to the nearest one-quarter dollar.

21           ~~F.~~ G. The surcharge imposed by this section shall be  
22 applied to the base fine, civil penalty or forfeiture and not  
23 to any other surcharge imposed.

24           ~~G.~~ H. After a determination by the court of the amount  
25 due, the court shall transmit, on the last day of each month,  
26 the surcharges collected pursuant to subsections A, B, C, ~~and~~  
27 D AND E of this section and a remittance report of the fines,  
28 civil penalties, assessments and surcharges collected pursuant  
29 to subsections A, B, C, ~~and~~ D AND E of this section to the  
30 county treasurer, except that municipal courts shall transmit  
31 the surcharges and the remittance report of the fines, civil  
32 penalties, assessments and surcharges to the city treasurer.

33           ~~H.~~ I. The appropriate authorities specified in  
34 subsection ~~H~~ H of this section shall transmit the surcharge  
35 prescribed in subsection A of this section and the remittance  
36 report as required in subsection ~~H~~ H of this section to the  
37 state treasurer on or before the fifteenth day of each month  
38 for deposit in the criminal justice enhancement fund  
39 established by section 41-2401.

40           ~~I.~~ J. The appropriate authorities specified in  
41 subsection ~~H~~ H of this section shall transmit the seven  
42 percent surcharge prescribed in subsection B of this section  
43 and the remittance report as required in subsection ~~H~~ H of  
44 this section to the state treasurer on or before the fifteenth

1 day of each month for allocation pursuant to section 41-2421,  
2 subsection J.

3 K. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO  
4 THIS SECTION THROUGH DECEMBER 31, 2031, THE APPROPRIATE  
5 AUTHORITIES SPECIFIED IN SUBSECTION H OF THIS SECTION SHALL  
6 TRANSMIT THE TWO PERCENT SURCHARGE PRESCRIBED IN SUBSECTION C  
7 OF THIS SECTION AND THE REMITTANCE REPORT AS REQUIRED IN  
8 SUBSECTION H OF THIS SECTION TO THE STATE TREASURER ON OR  
9 BEFORE THE FIFTEENTH DAY OF EACH MONTH FOR DEPOSIT, PURSUANT  
10 TO SECTIONS 35-146 AND 35-147, IN THE STATE SUPPLEMENTAL  
11 BENEFIT FUND ESTABLISHED BY SECTION 38-1173.

12 ~~J.~~ L. The appropriate authorities specified in  
13 subsection ~~G~~ H of this section shall transmit the surcharge  
14 prescribed in subsection ~~E~~ D of this section and the  
15 remittance report as required in subsection ~~G~~ H of this  
16 section to the state treasurer on or before the fifteenth day  
17 of each month for deposit in the department of public safety  
18 forensics fund established by section 41-1730.

19 ~~K.~~ M. Partial payments of the amount due shall be  
20 transmitted as prescribed in subsections ~~G~~, H, I, ~~and~~ J AND K  
21 of this section and shall be divided according to the  
22 proportion that the civil penalty, fine, bail or bond and the  
23 surcharge represent of the total amount due.

24 Sec. 2. Section 13-1204, Arizona Revised Statutes, is  
25 amended to read:

26 13-1204. Aggravated assault; classification;  
27 definitions

28 A. A person commits aggravated assault if the person  
29 commits assault as prescribed by section 13-1203 under any of  
30 the following circumstances:

31 1. If the person causes serious physical injury to  
32 another.

33 2. If the person uses a deadly weapon or dangerous  
34 instrument.

35 3. If the person commits the assault by any means of  
36 force that causes temporary but substantial disfigurement,  
37 temporary but substantial loss or impairment of any body organ  
38 or part or a fracture of any body part.

39 4. If the person commits the assault while the victim  
40 is bound or otherwise physically restrained or while the  
41 victim's capacity to resist is substantially impaired.

42 5. If the person commits the assault after entering the  
43 private home of another with the intent to commit the assault.

44 6. If the person is eighteen years of age or older and  
45 commits the assault on a minor under fifteen years of age.

1           7. If the person commits assault as prescribed by  
2 section 13-1203, subsection A, paragraph 1 or 3 and the person  
3 is in violation of an order of protection issued against the  
4 person pursuant to section 13-3602 or 13-3624.

5           8. If the person commits the assault knowing or having  
6 reason to know that the victim is any of the following:

7           (a) A ~~peace officer~~ FIRST RESPONDER or a person  
8 summoned and directed by the ~~officer~~ FIRST RESPONDER.

9           (b) A constable or a person summoned and directed by  
10 the constable while engaged in the execution of any official  
11 duties or if the assault results from the execution of the  
12 constable's official duties.

13           ~~(c) A firefighter, fire investigator, fire inspector,  
14 emergency medical technician or paramedic engaged in the  
15 execution of any official duties or a person summoned and  
16 directed by such individual while engaged in the execution of  
17 any official duties or if the assault results from the  
18 execution of the official duties of the firefighter, fire  
19 investigator, fire inspector, emergency medical technician or  
20 paramedic.~~

21           ~~(d)~~ (c) A teacher or other person employed by any  
22 school and the teacher or other employee is on the grounds of  
23 a school or grounds adjacent to the school or is in any part  
24 of a building or vehicle used for school purposes, any teacher  
25 or school nurse visiting a private home in the course of the  
26 teacher's or nurse's professional duties or any teacher  
27 engaged in any authorized and organized classroom activity  
28 held on other than school grounds.

29           ~~(e)~~ (d) A health care practitioner who is certified or  
30 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a  
31 person summoned and directed by the licensed health care  
32 practitioner while engaged in the person's professional  
33 duties. This subdivision does not apply if the person who  
34 commits the assault is seriously mentally ill, as defined in  
35 section 36-550, or is afflicted with alzheimer's disease or  
36 related dementia.

37           ~~(f)~~ (e) A prosecutor while engaged in the execution of  
38 any official duties or if the assault results from the  
39 execution of the prosecutor's official duties.

40           ~~(g)~~ (f) A code enforcement officer as defined in  
41 section 39-123 while engaged in the execution of any official  
42 duties or if the assault results from the execution of the  
43 code enforcement officer's official duties.

44           ~~(h)~~ (g) A state or municipal park ranger while engaged  
45 in the execution of any official duties or if the assault

1 results from the execution of the park ranger's official  
2 duties.

3 ~~(i)~~ (h) A public defender while engaged in the  
4 execution of any official duties or if the assault results  
5 from the execution of the public defender's official duties.

6 ~~(j)~~ (i) A judicial officer while engaged in the  
7 execution of any official duties or if the assault results  
8 from the execution of the judicial officer's official duties.

9 9. If the person knowingly takes or attempts to  
10 exercise control over any of the following:

11 (a) A ~~peace officer's~~ FIRST RESPONDER'S or other  
12 officer's firearm and the person knows or has reason to know  
13 that the victim is a ~~peace officer~~ FIRST RESPONDER or other  
14 officer employed by one of the agencies listed in paragraph  
15 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of  
16 this subsection.

17 (b) Any weapon other than a firearm that is being used  
18 by a ~~peace officer~~ FIRST RESPONDER or other officer or that  
19 the FIRST RESPONDER OR OTHER officer is attempting to use, and  
20 the person knows or has reason to know that the victim is a  
21 ~~peace officer~~ FIRST RESPONDER or other officer employed by one  
22 of the agencies listed in paragraph 10, subdivision (a), item  
23 (i), (ii), (iii), (iv) or (v) of this subsection.

24 (c) Any implement that is being used by a ~~peace officer~~  
25 FIRST RESPONDER or other officer or that the FIRST RESPONDER  
26 OR OTHER officer is attempting to use, and the person knows or  
27 has reason to know that the victim is a ~~peace officer~~ FIRST  
28 RESPONDER or other officer employed by one of the agencies  
29 listed in paragraph 10, subdivision (a), item (i), (ii),  
30 (iii), (iv) or (v) of this subsection. For the purposes of  
31 this subdivision, "implement" means an object that is designed  
32 for or that is capable of restraining or injuring an  
33 individual. Implement does not include handcuffs.

34 10. If the person meets both of the following  
35 conditions:

36 (a) Is imprisoned or otherwise subject to the custody  
37 of any of the following:

38 (i) The state department of corrections.

39 (ii) The department of juvenile corrections.

40 (iii) A law enforcement agency.

41 (iv) A county or city jail or an adult or juvenile  
42 detention facility of a city or county.

43 (v) Any other entity that is contracting with the state  
44 department of corrections, the department of juvenile  
45 corrections, a law enforcement agency, another state, any

1 private correctional facility, a county, a city or the federal  
2 bureau of prisons or other federal agency that has  
3 responsibility for sentenced or unsentenced prisoners.

4 (b) Commits an assault knowing or having reason to know  
5 that the victim is acting in an official capacity as an  
6 employee of any of the entities listed in subdivision (a) of  
7 this paragraph.

8 11. If the person uses a simulated deadly weapon.

9 B. A person commits aggravated assault if the person  
10 commits assault by either intentionally, knowingly or  
11 recklessly causing any physical injury to another person,  
12 intentionally placing another person in reasonable  
13 apprehension of imminent physical injury or knowingly touching  
14 another person with the intent to injure the person, and both  
15 of the following occur:

16 1. The person intentionally or knowingly impedes the  
17 normal breathing or circulation of blood of another person by  
18 applying pressure to the throat or neck or by obstructing the  
19 nose and mouth either manually or through the use of an  
20 instrument.

21 2. Any of the circumstances exists that are set forth  
22 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5  
23 or 6.

24 C. A person who is convicted of intentionally or  
25 knowingly committing aggravated assault on a ~~peace officer~~  
26 **FIRST RESPONDER** pursuant to subsection A, paragraph 1 or 2 of  
27 this section shall be sentenced to imprisonment for not less  
28 than the presumptive sentence authorized under chapter 7 of  
29 this title and is not eligible for suspension of sentence,  
30 commutation or release on any basis until the sentence imposed  
31 is served.

32 D. It is not a defense to a prosecution for assaulting  
33 a peace officer or a mitigating circumstance that the peace  
34 officer was not on duty or engaged in the execution of any  
35 official duties.

36 E. Except pursuant to subsections F and G of this  
37 section, aggravated assault pursuant to subsection A,  
38 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11  
39 of this section is a class 3 felony except if the aggravated  
40 assault is a violation of subsection A, paragraph 1 or 2 of  
41 this section and the victim is under fifteen years of age it  
42 is a class 2 felony punishable pursuant to section 13-705.  
43 Aggravated assault pursuant to subsection A, paragraph 3 or  
44 subsection B of this section is a class 4 felony. Aggravated  
45 assault pursuant to subsection A, paragraph 9, subdivision (b)

1 or paragraph 10 of this section is a class 5 felony.  
2 Aggravated assault pursuant to subsection A, paragraph 4, 5,  
3 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a  
4 class 6 felony.

5 F. Aggravated assault pursuant to subsection A,  
6 paragraph 1 or 2 of this section committed on a ~~peace officer~~  
7 **FIRST RESPONDER** is a class 2 felony. Aggravated assault  
8 pursuant to subsection A, paragraph 3 of this section  
9 committed on a ~~peace officer~~ **FIRST RESPONDER** is a class 3  
10 felony. Aggravated assault pursuant to subsection A,  
11 paragraph 8, subdivision (a) of this section committed on a  
12 ~~peace officer~~ **FIRST RESPONDER** is a class ~~5~~ 4 felony unless  
13 the assault results in any physical injury to the ~~peace~~  
14 ~~officer~~ **FIRST RESPONDER**, in which case it is a class ~~4~~ 3  
15 felony.

16 G. Aggravated assault pursuant to:

17 1. Subsection A, paragraph 1 or 2 of this section is a  
18 class 2 felony if committed on a prosecutor.

19 2. Subsection A, paragraph 3 of this section is a class  
20 3 felony if committed on a prosecutor.

21 3. Subsection A, paragraph 8, subdivision ~~(f)~~ (e) of  
22 this section is a class 5 felony if the assault results in  
23 physical injury to a prosecutor.

24 H. For the purposes of this section:

25 1. "FIRST RESPONDER" MEANS:

26 (a) A PEACE OFFICER.

27 (b) A FIREFIGHTER, A FIRE INVESTIGATOR, A FIRE  
28 INSPECTOR, AN EMERGENCY MEDICAL CARE TECHNICIAN OR A PARAMEDIC  
29 WHO IS ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES.

30 ~~1.~~ 2. "Judicial officer" means a justice of the  
31 supreme court, judge, justice of the peace or magistrate or a  
32 commissioner or hearing officer of a state, county or  
33 municipal court.

34 ~~2.~~ 3. "Prosecutor" means a county attorney, a  
35 municipal prosecutor or the attorney general and includes an  
36 assistant or deputy county attorney, municipal prosecutor or  
37 attorney general.

38 Sec. 3. Title 38, chapter 8, Arizona Revised Statutes,  
39 is amended by adding article 4, to read:

40 ARTICLE 4. FIRST RESPONDERS

41 38-1171. Definitions

42 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

43 1. "FIRST RESPONDER" HAS THE SAME MEANING PRESCRIBED IN  
44 SECTION 13-1204 AND INCLUDES A MEMBER OF THE ARIZONA NATIONAL  
45 GUARD WHO IS ON STATE ACTIVE DUTY IN THIS STATE AND A



1 CORRECTIONAL OFFICER WHO IS EMPLOYED BY THE STATE DEPARTMENT  
2 OF CORRECTIONS.

3 2. "KILLED IN THE LINE OF DUTY" MEANS A FIRST  
4 RESPONDER'S DEATH WAS THE RESULT OF ANOTHER PERSON'S CRIMINAL  
5 ACT.

6 38-1172. State death benefit

7 IN ADDITION TO ANY OTHER DEATH BENEFIT, BEGINNING ON THE  
8 EFFECTIVE DATE OF THIS SECTION, IF A FIRST RESPONDER IS KILLED  
9 IN THE LINE OF DUTY, ON WRITTEN NOTICE TO THE STATE TREASURER  
10 FROM THE FIRST RESPONDER'S EMPLOYER THIS STATE SHALL PAY A  
11 STATE DEATH BENEFIT OF \$250,000 TO THE FIRST RESPONDER'S  
12 SURVIVING SPOUSE. IF THE FIRST RESPONDER DOES NOT HAVE A  
13 SURVIVING SPOUSE AND HAS CHILDREN, THE STATE SHALL PAY A STATE  
14 DEATH BENEFIT OF \$250,000, DIVIDED EQUALLY, AMONG THE FIRST  
15 RESPONDER'S CHILDREN. THE STATE SHALL PAY THE DEATH BENEFIT  
16 WITHIN THIRTY DAYS AFTER RECEIVING THE WRITTEN NOTICE FROM THE  
17 FIRST RESPONDER'S EMPLOYER.

18 38-1173. State supplemental benefit fund

19 THE STATE SUPPLEMENTAL BENEFIT FUND IS ESTABLISHED  
20 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 12-116.01.  
21 THE STATE TREASURER SHALL ADMINISTER THE FUND FOR THE PURPOSES  
22 SPECIFIED IN SECTION 38-1172. MONIES IN THE FUND ARE  
23 CONTINUOUSLY APPROPRIATED.

24 Sec. 4. Delayed repeal

25 Title 38, chapter 8, article 4, Arizona Revised  
26 Statutes, as added by this act, is repealed from and after  
27 December 31, 2031.

28 Sec. 5. Section 41-1730, Arizona Revised Statutes, is  
29 amended to read:

30 41-1730. Department of public safety forensics fund;  
31 purposes; distributions; annual adjustment

32 A. The department of public safety forensics fund is  
33 established. The department shall administer the fund. Monies  
34 in the fund are subject to legislative appropriation. The  
35 department of public safety forensics fund consists of the  
36 following:

- 37 1. Monies deposited pursuant to section 12-116.01,  
38 subsection ~~J~~ L.
- 39 2. Monies deposited pursuant to section 41-2401,  
40 subsection D, paragraphs 1 and 11.
- 41 3. Surcharge monies deposited pursuant to section  
42 28-3396.
- 43 4. Monies contributed to the fund from any other  
44 source.

1           B. Monies in the department of public safety forensics  
2 fund shall be used for the following purposes:

3           1. Purchasing and installing fingerprint identification  
4 equipment.

5           2. Operating, maintaining and administering the Arizona  
6 automated fingerprint identification system and the system's  
7 remote terminals.

8           3. Crime laboratory operations and enhanced services.

9           4. Educating and training forensic scientists who are  
10 regularly employed in a crime laboratory.

11           5. Purchasing and maintaining scientific equipment for  
12 crime laboratory use.

13           6. Implementing, operating and maintaining  
14 deoxyribonucleic acid testing and administering the Arizona  
15 deoxyribonucleic acid identification system.

16           C. On a quarterly basis, the department of public  
17 safety shall allocate and distribute the monies in the  
18 department of public safety forensics fund that are collected  
19 pursuant to section 12-116.01 and deposited pursuant to  
20 section 41-2401, subsection D, paragraph 11. The department  
21 may use fifty-five percent of the monies for the purposes  
22 prescribed in subsection B of this section and shall  
23 distribute the remaining monies to political subdivisions that  
24 operate a crime laboratory as follows:

25           1. Twenty-two percent to the Phoenix police department.

26           2. Twelve percent to the Tucson police department.

27           3. Seven percent to the Mesa police department.

28           4. Four percent to the Scottsdale police department.

29           D. The distribution of monies pursuant to subsection C  
30 of this section may be adjusted annually, if appropriate,  
31 based on the crime laboratory services provided and the  
32 percentage of the state population served by each crime  
33 laboratory. The crime laboratory directors of the political  
34 subdivisions providing crime laboratory services in this state  
35 must agree on the distribution formula and allocation. The  
36 minimum allocation for a political subdivision that provides  
37 crime laboratory services is four percent.

38           E. For the purposes of subsections C and D of this  
39 section, "crime laboratory" means a laboratory that meets all  
40 of the following:

41           1. Is operated by a political subdivision.

42           2. Has at least one regularly employed forensic  
43 scientist who holds a minimum of a bachelor's degree in a  
44 physical or natural science.

1           3. Is registered as an analytical laboratory with the  
2 drug enforcement administration of the United States  
3 department of justice for the possession of all scheduled  
4 controlled substances.

5           Sec. 6. Finding; intent; purpose

6           A. The people of this state find and declare that:

7           1. Arizona's first responders are the front lines for  
8 public safety and the peaceful enjoyment of this state's civil  
9 society.

10          2. First responders nationally and in this state have  
11 become increasing targets for criminal assault, causing their  
12 injury and death. This has resulted in both heightened early  
13 retirements of first responders and difficulty in recruiting  
14 new first responders.

15          B. The intent of this act is to increase the criminal  
16 penalties against anyone who assaults a first responder in  
17 this state and to increase the death benefits for the families  
18 of first responders who are killed in the line of duty in this  
19 state.

20          C. The purpose of this act is:

21           1. To stem the violence against first responders.

22           2. If first responders in this state know that their  
23 families will be better provided for if a first responder is  
24 killed in the line of duty, to help with the retention and  
25 recruitment of first responders.

26          Sec. 7. Severability

27          If a provision of this act or its application to any  
28 person or circumstance is held invalid, the invalidity does  
29 not affect other provisions or application of the act that can  
30 be given effect without the invalid provision or application,  
31 and to this end the provisions of this act are severable.

32          Sec. 8. Short title

33          This act may be cited as the "Back the Blue Act".

34          2. The Secretary of State shall submit this proposition to the  
35 voters at the next general election as provided by article IV, part 1,  
36 section 1, Constitution of Arizona.