

Senate Engrossed

human remains; search; rescue; canines

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1122

AN ACT

AMENDING SECTIONS 11-441 AND 36-850, ARIZONA REVISED STATUTES; RELATING TO
HUMAN REMAINS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-441, Arizona Revised Statutes, is amended to
3 read:

4 11-441. Powers and duties

5 A. The sheriff shall:

6 1. Preserve the peace.

7 2. Arrest and take before the nearest magistrate for examination
8 all persons who attempt to commit or who have committed a public offense.

9 3. Prevent and suppress all affrays, breaches of the peace, riots
10 and insurrections ~~which~~ THAT may come to the knowledge of the sheriff.

11 4. Attend all courts, except justice and municipal courts, when an
12 element of danger is anticipated and attendance is requested by the
13 presiding judge, ~~and~~ and obey lawful orders and directions issued by the
14 judge.

15 5. Take charge of and keep the county jail, including a county jail
16 under the jurisdiction of a county jail district, and the prisoners in the
17 county jail.

18 6. Endorse ~~upon~~ ON all process and notices the year, month, day,
19 hour and minute of reception, ~~and~~ and issue to the person delivering ~~it~~ THE
20 PROCESS OR NOTICE, on payment of fees, a certificate showing the names of
21 the parties, THE title of THE paper and THE time of reception.

22 7. Serve process and notices in the manner prescribed by law and
23 certify under the sheriff's hand ~~upon~~ ON the process or notices the manner
24 and time of service, or if the sheriff fails to make service, the reasons
25 for failure, and return them without delay. When returnable to another
26 county, the sheriff may enclose such process or notices in an envelope,
27 addressed to the officer from whom received, and deposit ~~it~~ THE ENVELOPE
28 postage prepaid in the post office. The return of the sheriff is prima
29 facie evidence of the facts stated in the return.

30 8. Secure, as soon as possible, the home of a deceased person
31 located outside the boundaries of an incorporated city or town if the
32 sheriff is unable to determine or locate the heirs or executor of the
33 deceased person.

34 B. The sheriff, ~~may~~ in ~~the execution of~~ EXECUTING the duties
35 prescribed in subsection A, paragraphs 1 through 4 OF THIS SECTION, MAY
36 command the aid of as many inhabitants of the county as the sheriff deems
37 necessary.

38 C. The sheriff shall conduct or coordinate within the county search
39 or rescue operations involving the life or health of any person, ~~or~~ or may
40 assist in such operations in another county at the request of that
41 county's sheriff. ~~, and~~ and THE SHERIFF may request assistance from any
42 persons or agencies in ~~the fulfillment of~~ FULFILLING duties under this
43 subsection. A SEARCH AND RESCUE UNIT ESTABLISHED OR RECOGNIZED BY A
44 COUNTY MAY POSSESS HUMAN REMAINS AS DEFINED IN SECTION 36-301 FOR THE
45 PURPOSE OF TRAINING CANINES USED FOR SEARCH AND RESCUE WORK. THE SHERIFF

1 OR THE SHERIFF'S DESIGNEE SHALL KEEP AN INVENTORY OF ALL HUMAN REMAINS
2 THAT ARE KEPT FOR THE PURPOSE OF TRAINING SEARCH AND RESCUE CANINES. THE
3 INVENTORY MUST BE UPDATED WHEN THE SEARCH AND RESCUE UNIT RECEIVES HUMAN
4 REMAINS OR DISPOSES OF HUMAN REMAINS THAT ARE NO LONGER USEFUL TO THE
5 SEARCH AND RESCUE UNIT. EACH SEARCH AND RESCUE UNIT THAT POSSESSES HUMAN
6 REMAINS FOR THE PURPOSE OF TRAINING SEARCH AND RESCUE CANINES SHALL
7 ESTABLISH POLICIES AND STANDARD OPERATING PROCEDURES FOR ACCESS TO, THE
8 INVENTORY OF AND THE POSSESSION AND DISPOSAL OF HUMAN REMAINS KEPT FOR THE
9 PURPOSE OF TRAINING SEARCH AND RESCUE CANINES.

10 D. The sheriff, in ~~the execution of~~ EXECUTING the duties prescribed
11 in this section, may request the aid of volunteer posse and reserve
12 organizations located in the county.

13 E. The sheriff may assist in ~~the execution of~~ EXECUTING the duties
14 prescribed in this section in another county at the request of that
15 county's sheriff.

16 F. The sheriff may require any prisoner who is on work release to
17 reimburse the county for reasonable expenses incurred in connection with
18 the release.

19 G. The board of supervisors of a county bordering ~~the Republic of~~
20 Mexico may adopt an ordinance pursuant to chapter 2 of this title allowing
21 the sheriff to prevent the entry from this state into ~~the Republic of~~
22 Mexico at the border by any resident of this state who is under eighteen
23 years of age if the minor is unaccompanied by a parent or guardian or does
24 not have written consent for entry from ~~a~~ THE MINOR'S parent or
25 guardian. The authority of the sheriff is only to prevent entry and not
26 to otherwise detain the minor. This subsection ~~shall~~ DOES not ~~be~~
27 ~~construed to~~ limit the authority of the sheriff pursuant to any other law.
28 A county is not civilly or criminally liable for not adopting an ordinance
29 pursuant to this subsection.

30 H. Notwithstanding section 13-3112, the sheriff may authorize
31 members of the sheriff's volunteer posse who have received and passed
32 firearms training that is approved by the Arizona peace officer standards
33 and training board to carry a deadly weapon without a permit while on
34 duty.

35 Sec. 2. Section 36-850, Arizona Revised Statutes, is amended to
36 read:

37 36-850. Persons who may receive anatomical gifts; purpose of
38 anatomical gift

39 A. An anatomical gift may be made to the following named in the
40 document of gift:

- 41 1. An organ procurement organization.
- 42 2. A hospital, accredited medical school, dental school, college,
43 university, procurement organization or any other appropriate person, for
44 research or education.

1 3. A SEARCH AND RESCUE UNIT ESTABLISHED OR RECOGNIZED BY ANY
2 FEDERAL, STATE, COUNTY OR LOCAL GOVERNMENTAL ENTITY TO TRAIN SEARCH AND
3 RESCUE CANINES.

4 ~~3.~~ 4. Subject to the requirements of subsection B of this section,
5 an individual designated by the person making the anatomical gift if the
6 individual is the recipient of the part.

7 ~~4.~~ 5. An eye bank or a tissue bank.

8 B. If an anatomical gift to an individual pursuant to subsection A,
9 paragraph ~~3~~ 4 of this section cannot be transplanted into the individual,
10 the part passes pursuant to subsection G of this section in the absence of
11 an express contrary indication by the person making the anatomical gift.

12 C. If an anatomical gift of one or more specific parts or of all
13 parts is made in a document of gift that does not name a person described
14 in subsection A of this section but that identifies the purpose for which
15 an anatomical gift may be used, the gift passes:

16 1. To the appropriate eye bank if the part is an eye and the gift
17 is for the purpose of transplantation or therapy.

18 2. To the appropriate tissue bank if the part is tissue and the
19 gift is for the purpose of transplantation or therapy.

20 3. To the organ procurement organization as custodian of the organ
21 if the part is an organ and the gift is for the purpose of transplantation
22 or therapy.

23 4. To the appropriate procurement organization if the part is an
24 organ, an eye or tissue and the gift is for the purpose of research or
25 education.

26 5. TO THE CORONER OR SHERIFF OF THE COUNTY IN WHICH THE GIFT WAS
27 MADE, WHO MAY TRANSFER THE GIFT TO ANY CANINE SEARCH AND RESCUE UNIT
28 ESTABLISHED OR RECOGNIZED BY ANY FEDERAL, STATE, COUNTY OR LOCAL
29 GOVERNMENTAL ENTITY, AND THE GIFT IS FOR THE PURPOSE OF TRAINING SEARCH
30 AND RESCUE CANINES.

31 D. For the purposes of subsection C of this section, if there is
32 more than one purpose of an anatomical gift stated in the document of gift
33 but the purposes are not stated in any priority, the gift must be used for
34 transplantation or therapy, if suitable. If the gift cannot be used for
35 transplantation or therapy, the gift may be used for research or education
36 OR FOR TRAINING SEARCH AND RESCUE CANINES.

37 E. If an anatomical gift of one or more specific parts is made in a
38 document of gift that does not name a person described in subsection A of
39 this section and does not identify the purpose of the gift, the gift may
40 be used only for transplantation or therapy and the gift passes pursuant
41 to subsection G of this section.

42 F. If a document of gift specifies only a general intent to make an
43 anatomical gift by words such as "donor", "organ donor" or "body donor",
44 or by a symbol or statement of similar import, the gift may be used only

1 for transplantation or therapy and the gift passes pursuant to subsection
2 G of this section.

3 G. For the purposes of subsections B, E and F of this section:

4 1. If the part is an eye, the gift passes to the appropriate eye
5 bank.

6 2. If the part is tissue, the gift passes to the appropriate tissue
7 bank.

8 3. If the part is an organ, the gift passes to the organ
9 procurement organization as custodian of the organ.

10 H. An anatomical gift of an organ for transplantation or therapy,
11 other than an anatomical gift pursuant to subsection A, paragraph ~~3~~ 4 of
12 this section, passes to the organ procurement organization as custodian of
13 the organ.

14 I. If an anatomical gift does not pass pursuant to subsection A, B,
15 C, D, E, F, G or H of this section or the decedent's body or part is not
16 used for transplantation, therapy, research or education OR FOR TRAINING
17 SEARCH AND RESCUE CANINES, custody of the body or part passes to the
18 person who is under an obligation to dispose of the body or part pursuant
19 to section 36-831.

20 J. A person may not accept an anatomical gift if the person knows
21 that the gift was not effectively made pursuant to section 36-844 or
22 36-849 or if the person knows that the decedent made a refusal pursuant to
23 section 36-846 that was not revoked. For the purposes of this subsection,
24 if a person knows that an anatomical gift was made in a document of gift,
25 the person is deemed to know of any amendment of the gift, revocation of
26 the gift or refusal to make an anatomical gift in the same document of
27 gift.

28 K. Except as otherwise provided in subsection A, paragraph ~~3~~ 4 of
29 this section, this article does not affect the allocation of organs for
30 transplantation or therapy.