

REFERENCE TITLE: peace officer database; disciplinary actions.

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

SB 1385

Introduced by
Senator Quezada

AN ACT

AMENDING TITLE 41, CHAPTER 12, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1828.02; RELATING TO THE ARIZONA PEACE OFFICER STANDARDS
AND TRAINING BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 12, article 8, Arizona Revised
3 Statutes, is amended by adding section 41-1828.02, to read:

4 41-1828.02. Law enforcement officer database; law enforcement
5 agency reporting; civil action; definition

6 A. THE BOARD, IN CONSULTATION WITH THE ATTORNEY GENERAL, SHALL
7 ESTABLISH AND MAKE AVAILABLE ON ITS WEBSITE A LAW ENFORCEMENT OFFICER
8 DATABASE THAT INCLUDES THE NAMES AND DISCIPLINE RECORD, IF ANY, OF EVERY
9 LAW ENFORCEMENT OFFICER IN THIS STATE AND THAT IS ACCESSIBLE ONLY TO A LAW
10 ENFORCEMENT AGENCY THAT IS CONDUCTING A BACKGROUND INVESTIGATION OF AN
11 APPLICANT FOR THE POSITION OF A LAW ENFORCEMENT OFFICER.

12 B. WITHIN TEN DAYS AFTER A FINAL RULING OR DETERMINATION, A LAW
13 ENFORCEMENT AGENCY SHALL REPORT TO THE BOARD THE NAME OF THE LAW
14 ENFORCEMENT OFFICER AND ANY RECORD OF THE FOLLOWING ACTIONS TAKEN AGAINST
15 THAT LAW ENFORCEMENT OFFICER:

16 1. ANY DISCIPLINARY ACTION.

17 2. A SUBSTANTIATED PUBLIC OR INTERNAL COMPLAINT.

18 3. ANY FORMAL REPRIMAND THAT IS INCLUDED IN THE LAW ENFORCEMENT
19 OFFICER'S PERSONNEL RECORD.

20 4. ANY INFORMATION ABOUT AN INVESTIGATION IF THE LAW ENFORCEMENT
21 OFFICER RESIGNS BEFORE THE INVESTIGATION IS COMPLETE.

22 C. BEFORE A LAW ENFORCEMENT AGENCY HIRES AN APPLICANT FOR THE
23 POSITION OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT AGENCY MUST
24 CHECK FOR THE APPLICANT'S NAME IN THE DATABASE.

25 D. A PERSON MAY BRING AN ACTION IN SUPERIOR COURT TO ENFORCE THIS
26 SECTION. IF THE COURT FINDS THAT THE BOARD OR A LAW ENFORCEMENT AGENCY
27 FAILED TO COMPLY WITH THIS SECTION, THE COURT MAY AWARD THE PREVAILING
28 PARTY REASONABLE ATTORNEY FEES, DAMAGES AND COSTS.

29 E. FOR THE PURPOSES OF THIS SECTION, "DISCIPLINARY ACTION" HAS THE
30 SAME MEANING PRESCRIBED IN SECTION 38-1101.