



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.B. 1724

criminal justice; 2023-2024.

Purpose

Makes statutory and session law changes relating to criminal justice necessary to implement the FY 2024 state budget.

Background

The Arizona Constitution prohibits substantive law from being included in the general appropriations, capital outlay appropriations and supplemental appropriations bills. However, it is often necessary to make statutory and session law changes to effectuate the budget. Thus, separate bills called budget reconciliation bills (BRBs) are introduced to enact these provisions. Because BRBs contain substantive law changes, the Arizona Constitution provides that they become effective on the general effective date, unless an emergency clause is enacted.

S.B. 1724 contains the budget reconciliation provisions for changes relating to criminal justice.

Provisions

Committed Youth in Secure Care Facilities

1. Increases, from 500,000 persons to 3,000,000 persons, the population threshold used to determine which counties must pay the Arizona Department of Juvenile Corrections a committed youth confinement cost sharing fee, thereby removing the requirement for Pima county to pay the fee.

Consumer Restitution and Remediation Revolving Fund (Consumer Fund)

2. Specifies that monies deposited into the Consumer Remediation Subaccount of the Consumer Fund pursuant to opioid claims-related litigation or settlements are subject to legislative appropriation.
3. Requires the Attorney General's quarterly report on receipts and disbursements from the Consumer Fund to include a separate delineated report that includes the receipts and disbursements for all opioid claims-related litigation monies.

Supreme Court

4. Extends, to FYs 2024, 2025 and 2026, the timeframe within which the Supreme Court may use a previous \$2.6 million appropriation for a new appellate case management system.

Fentanyl Prosecution, Diversion and Testing Fund (Fentanyl Fund)

5. Establishes the Fentanyl Fund consisting of legislative appropriations to be administered by the Department of Public Safety (DPS).

6. Allows DPS to use monies in the Fentanyl Fund for administration costs.
7. Requires DPS, in FY 2024, to allocate monies in the Fentanyl Fund on a first-come, first-served basis to:
 - a) county attorneys, county sheriffs and courts to reimburse the costs related to fentanyl prosecutions that involve a violation of;
 - i. possession of fentanyl for sale, fentanyl manufacture or possession of manufacturing equipment or chemicals for the purpose of manufacturing fentanyl; or
 - ii. transportation of fentanyl for sale, unless the transportation involves the transfer or offer to transfer fentanyl; and
 - b) law enforcement agencies in Arizona to reimburse the costs related to fentanyl testing and fentanyl diversion activities.
8. Specifies that monies in the Fentanyl Fund are continuously appropriated.

Antihuman Trafficking Grant Fund (Trafficking Fund)

9. Establishes the Trafficking Fund to be administered by the Arizona Department of Homeland Security (AZDOHS), consisting of legislative appropriations.
10. Requires AZDOHS, in FY 2024, to distribute monies in the Trafficking Fund to programs to reduce human trafficking in Arizona.
11. Requires a program, in order to qualify for grant monies, to:
 - a) work to reduce human trafficking by providing assistance and analytical services to law enforcement agencies; and
 - b) provide services to victims and training to law enforcement agencies, prosecutorial agencies and the public on preventing and identifying human trafficking.
12. Specifies that monies in the Trafficking Fund are continuously appropriated.

Nonprofit Security Grant Program (Program)

13. Establishes the Program to provide funding for safety and security projects to nonprofit organizations that are at a high-risk of a terrorist attack or hate crimes due to the nonprofit organization's ideology, beliefs or mission for the purposes of target hardening and other security enhancements and activities.
14. Requires AZDOHS to administer the Program and issue grants from the Program Fund for FY 2024 through FY 2028.
15. Outlines activities for target hardening and other safety and security projects that are eligible for reimbursement as follows:
 - a) internal and external facility hardening structures; and
 - b) devices or equipment that mitigates vulnerabilities identified in a vulnerability assessment completed by the nonprofit organization as a self-assessment, or by a vendor with whom the nonprofit organization has contracted.

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16. Allows AZDOHS to prescribe requirements for a vulnerability assessment and allow other activities for target hardening and safety and security projects in addition to activities as prescribed.
17. Requires activities to include planning, equipment training and security personnel.
18. Requires AZDOHS to award up to \$1,000,000 in each fiscal year.
19. Caps, at \$100,000, the amount of money a nonprofit organization may receive in any fiscal year.
20. Requires AZDOHS to give priority to nonprofit organizations that are:
 - a) unable to apply for federal funding due to their size or inability to wait for reimbursement for projects; and
 - b) unable to secure a contractor to conduct a vulnerability assessment.
21. Prohibits grant monies from being used to supplant a nonprofit organization's current expenses for target hardening, safety or security projects.
22. Prohibits a nonprofit organization from using grant monies to purchase equipment for security personnel.
23. Allows grant monies to be used for additional needs beyond the nonprofit organization's current expenses.
24. Requires an applicant for a grant to either:
 - a) have applied for the federal Nonprofit Security Grant and not received funding for the same year that the applicant is applying for the state grant; or
 - b) have been unable to apply for the federal Nonprofit Security Grant due to an inability to fund the request up front and wait for reimbursement.
25. Requires an applicant to submit an application on a form prescribed by AZDOHS.
26. Allows AZDOHS to accept an application submitted to the federal government for the federal Nonprofit Security Grant instead of the state application prescribed by AZDOHS if the applicant applied for a federal Nonprofit Security Grant and did not receive funding for the same year the applicant applied for the state grant.
27. Establishes the Program Fund (Fund) consisting of grants gifts, donations and legislative appropriations to be administered by AZDOHS.
28. Requires monies in the Fund to only be spent on grants to applicants who qualify for the Program.
29. Requires the State Treasurer, on notice from the Director of AZDOHS, to invest and divest monies in the Fund pursuant to the state management of public monies and requires monies earned from investment to be credited to the Fund.

30. Specifies that interest or other income derived from the Fund may only be used for purposes as prescribed and prohibits income derived from the Fund from being used to supplant other appropriations.
31. Specifies that monies in the Fund are continuously appropriated.
32. Defines *equipment* as target hardening, physical and information technology security enhancement, acquisition and installation of security equipment on real property, including buildings and improvements, that is owned or leased by the nonprofit organization, reinforced doors and gates, perimeter lighting, exterior and interior door locking, alarm systems, camera-based security systems, access control systems, blast resistant film for windows or shatter resistant glass, lock-down systems, public address systems, high-intensity lighting and alarms, inspection and screening systems and access control.
33. Defines *planning* as:
 - a) activities that are related to protecting a facility, the people within the facility and those with access to the facility and providing for their functional needs; and
 - b) includes developing and enhancing a nonprofit organization's security plans and protocols, emergency contingency plans, evacuation or shelter-in-place plans and the materials required to conduct planning activities.
34. Defines *security personnel* as personnel who are contracted with and employed by the nonprofit organization.
35. Defines *training* as:
 - a) training that addresses a specific threat or vulnerability; and
 - b) includes attendance and travel fees for training the nonprofit organization's staff, members and visitors and training related expenses such as supplies, materials and equipment.
36. Repeals the Program on October 1, 2028.

Miscellaneous

37. Becomes effective on the general effective date.

Prepared by Senate Research

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ZD/slp