

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2675
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 22-137, Arizona Revised Statutes, is amended to
3 read:

4 22-137. Constable ethics standards and training board: powers
5 and duties; constable training; definition

6 A. The constable ethics standards and training board shall:

7 1. Adopt rules for the administration and conduct of the board,
8 including meeting times, meeting places and matters to be placed on the
9 agenda of each meeting, and for the distribution of monies in the
10 constable ethics standards and training fund pursuant to section 22-138.

11 2. Adopt a code of conduct for constables and adopt rules to
12 enforce the code of conduct.

13 ~~3. Establish procedures for conducting confidential investigations~~
14 ~~and holding hearings.~~

15 ~~4. Hear and investigate written complaints from any person~~
16 ~~involving a constable's ethical conduct.~~

17 ~~5. Remedy a constable's inappropriate behavior by:~~

18 ~~(a) Mediating.~~

19 ~~(b) Issuing warnings, reprimands or admonishments.~~

20 ~~(c) Instructing constables to take a particular action or to take~~
21 ~~educational classes.~~

22 ~~(d) Urging a constable to resign from office.~~

23 ~~(e) Placing a constable on probation for up to thirty days, except~~
24 ~~that after the initial thirty days of probation if the constable is making~~
25 ~~progress on probation but the constable's behavior is not yet compliant,~~
26 ~~the board may extend probation in additional thirty-day increments up to a~~
27 ~~total length of probation of one hundred eighty days.~~

28 ~~(f) Recommending to the board of supervisors that a constable who~~
29 ~~has previously been placed on probation be suspended from performing the~~
30 ~~constable's duties without pay for any specified length of time not to~~
31 ~~exceed the remainder of the constable's term.~~

32 ~~6.~~ 3. Adopt a standardized daily activity log for constables that
33 is approved by the director of the Arizona peace officer standards and
34 training board and that complies with section 11-445, subsections I and J.

35 B. The board may:

36 1. Employ an executive director and other staff necessary to
37 fulfill the powers and duties of the board.

38 2. Enter into contracts and interagency agreements to carry out its
39 powers and duties.

1 3. Certify organizations to provide training and support programs
2 for constables.

3 4. Provide support grants to constables for local or statewide
4 training programs.

5 ~~5. Take and hear evidence, administer oaths and affirmations and~~
6 ~~compel by subpoena the attendance of witnesses, including constables, and~~
7 ~~the production of books, papers, records, documents and other information~~
8 ~~relating to any investigation or hearing.~~

9 ~~C. If the board determines that a constable has committed a~~
10 ~~criminal act, the board shall refer the investigation to the county~~
11 ~~attorney's office in the county in which the conduct at issue occurred.~~
12 ~~The board shall submit the investigation's findings to the county~~
13 ~~attorney. If the county attorney determines that a crime has not occurred~~
14 ~~or does not file a criminal complaint against the constable, the board~~
15 ~~shall adjudicate the complaint pursuant to subsection A, paragraph 5 of~~
16 ~~this section.~~

17 ~~D. A constable may seek judicial review of a final order that is~~
18 ~~issued by the board of supervisors suspending the constable in the~~
19 ~~superior court in the county in which the constable is elected or~~
20 ~~appointed. Judicial review shall be conducted pursuant to title 12,~~
21 ~~chapter 7, article 6. Judicial review must be commenced pursuant to~~
22 ~~section 12-904.~~

23 ~~E. C.~~ C. The Arizona peace officer standards and training board shall
24 approve a mandatory basic training course for newly elected constables
25 covering topics, including civil and criminal process, conflict resolution
26 and firearm safety. Constables must attend the mandatory training course
27 within six months after election. In subsequent years, constables must
28 annually attend at least sixteen hours of additional training approved by
29 the Arizona peace officer standards and training board. The constable
30 ethics standards and training board may approve additional training
31 courses for constables. The constable ethics standards and training fund
32 established by section 22-138 may be used for constable training. Copies
33 of certificates of completion of the constable training shall be forwarded
34 to the constable ethics standards and training board within thirty days
35 after completion.

36 ~~F. D.~~ D. This section does not:

37 1. Create a cause of action or a right to bring an action against
38 the board.

39 2. Preclude a prosecuting agency from filing charges against a
40 constable.

41 ~~G. The board of supervisors may accept or modify a recommendation~~
42 ~~to suspend a constable from performing the constable's duties without pay~~
43 ~~pursuant to subsection A, paragraph 5 of this section. The board of~~
44 ~~supervisor's determination is final unless a constable seeks judicial~~
45 ~~review pursuant to subsection D of this section.~~

46 ~~H. E.~~ E. For the purposes of this section, "constable" includes a
47 deputy constable who is appointed, employed or authorized by the county
48 board of supervisors.

1 Sec. 2. Section 41-1822, Arizona Revised Statutes, is amended to
2 read:

3 41-1822. Powers and duties of board; definitions

4 A. With respect to peace officer training and certification, the
5 board shall:

6 1. Establish rules for the government and conduct of the board,
7 including meeting times and places and matters to be placed on the agenda
8 of each meeting.

9 2. Make recommendations, consistent with this article, to the
10 governor, the speaker of the house of representatives and the president of
11 the senate on all matters relating to law enforcement and public safety.

12 3. Prescribe reasonable minimum qualifications for officers to be
13 appointed to enforce the laws of this state and the political subdivisions
14 of this state and certify officers in compliance with these
15 qualifications. Notwithstanding any other law, the qualifications shall
16 require United States citizenship, shall relate to physical, mental and
17 moral fitness and shall govern the recruitment, appointment and retention
18 of all agents, peace officers and police officers of every political
19 subdivision of this state. The board shall constantly review the
20 qualifications established by this section and may amend the
21 qualifications at any time, subject to the requirements of section
22 41-1823.

23 4. Prescribe minimum courses of training and minimum standards for
24 training facilities for law enforcement officers. Only this state and
25 political subdivisions of this state may conduct basic peace officer
26 training. Basic peace officer academies may admit individuals who are not
27 peace officer cadets only if a cadet meets the minimum qualifications
28 established by paragraph 3 of this subsection. Training shall include:

29 (a) Courses in responding to and reporting all criminal offenses
30 that are motivated by race, color, religion, national origin, sexual
31 orientation, gender or disability.

32 (b) Training certified by the director of the department of health
33 services with assistance from a representative of the board on the nature
34 of unexplained infant death and the handling of cases involving the
35 unexplained death of an infant.

36 (c) Medical information on unexplained infant death for first
37 responders, including awareness and sensitivity in dealing with families
38 and child care providers, and the importance of forensically competent
39 death scene investigations.

40 (d) Information on the protocol of investigation in cases of an
41 unexplained infant death, including the importance of a consistent policy
42 of thorough death scene investigation.

43 (e) The use of the infant death investigation checklist pursuant to
44 section 36-3506.

45 (f) If an unexplained infant death occurs, the value of timely
46 communication between the medical examiner's office, the department of
47 health services and appropriate social service agencies that address the
48 issue of infant death and bereavement, to achieve a better understanding

1 of these deaths and to connect families to various community and public
2 health support systems to enhance recovery from grief.

3 5. Recommend curricula for advanced courses and seminars in law
4 enforcement and intelligence training in universities, colleges and
5 community colleges, in conjunction with the governing body of the
6 educational institution.

7 6. Make inquiries to determine whether this state or political
8 subdivisions of this state are adhering to the standards for recruitment,
9 appointment, retention and training established pursuant to this article.
10 The failure of this state or any political subdivision to adhere to the
11 standards shall be reported at the next regularly scheduled meeting of the
12 board for action deemed appropriate by that body.

13 7. Employ an executive director and other staff as are necessary to
14 fulfill the powers and duties of the board in accordance with the
15 requirements of the law enforcement merit system council.

16 B. With respect to state department of corrections correctional
17 officers, the board shall:

18 1. Approve a basic training curriculum of at least two hundred
19 forty hours.

20 2. Establish uniform minimum standards. These standards shall
21 include high school graduation or the equivalent and a physical
22 examination as prescribed by the director of the state department of
23 corrections.

24 3. Establish uniform standards for background investigations,
25 including criminal histories under section 41-1750, of all applicants
26 before enrolling in the academy. The board may adopt special procedures
27 for extended screening and investigations in extraordinary cases to ensure
28 suitability and adaptability to a career as a correctional officer.

29 4. Issue a certificate of completion to any state department of
30 corrections correctional officer who satisfactorily complies with the
31 minimum standards and completes the basic training program. The board may
32 issue a certificate of completion to a state department of corrections
33 correctional officer who has received comparable training in another state
34 if the board determines that the training was at least equivalent to that
35 provided by the academy and if the person complies with the minimum
36 standards.

37 5. Establish continuing training requirements and approve
38 curricula.

39 C. WITH RESPECT TO CONSTABLES, THE BOARD SHALL:

40 1. ESTABLISH PROCEDURES FOR CONDUCTING CONFIDENTIAL INVESTIGATIONS
41 AND HOLDING HEARINGS.

42 2. HEAR AND INVESTIGATE WRITTEN COMPLAINTS FROM ANY PERSON
43 INVOLVING A CONSTABLE'S ETHICAL CONDUCT.

44 3. REMEDY A CONSTABLE'S INAPPROPRIATE BEHAVIOR BY:

45 (a) MEDIATING.

46 (b) ISSUING WARNINGS, REPRIMANDS OR ADMONISHMENTS.

47 (c) INSTRUCTING CONSTABLES TO TAKE A PARTICULAR ACTION OR TO TAKE
48 EDUCATIONAL CLASSES.

49 (d) URGING A CONSTABLE TO RESIGN FROM OFFICE.

1 (e) PLACING A CONSTABLE ON PROBATION FOR UP TO THIRTY DAYS, EXCEPT
2 THAT AFTER THE INITIAL THIRTY DAYS OF PROBATION, IF THE CONSTABLE IS
3 MAKING PROGRESS ON PROBATION BUT THE CONSTABLE'S BEHAVIOR IS NOT YET
4 COMPLIANT, THE BOARD MAY EXTEND PROBATION IN ADDITIONAL THIRTY-DAY
5 INCREMENTS UP TO A TOTAL LENGTH OF PROBATION OF ONE HUNDRED EIGHTY DAYS.

6 (f) RECOMMENDING TO THE BOARD OF SUPERVISORS THAT A CONSTABLE WHO
7 HAS PREVIOUSLY BEEN PLACED ON PROBATION BE SUSPENDED FROM PERFORMING THE
8 CONSTABLE'S DUTIES WITHOUT PAY FOR ANY SPECIFIED LENGTH OF TIME OF NOT
9 MORE THAN THE REMAINDER OF THE CONSTABLE'S TERM. A CONSTABLE MAY SEEK
10 JUDICIAL REVIEW OF A FINAL ORDER THAT IS ISSUED BY THE BOARD OF
11 SUPERVISORS SUSPENDING THE CONSTABLE IN THE SUPERIOR COURT IN THE COUNTY
12 IN WHICH THE CONSTABLE IS ELECTED OR APPOINTED. JUDICIAL REVIEW SHALL BE
13 CONDUCTED PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JUDICIAL REVIEW
14 MUST BE COMMENCED PURSUANT TO SECTION 12-904. THE BOARD OF SUPERVISORS
15 MAY ACCEPT OR MODIFY A RECOMMENDATION TO SUSPEND A CONSTABLE FROM
16 PERFORMING THE CONSTABLE'S DUTIES WITHOUT PAY PURSUANT TO THIS
17 SUBDIVISION. THE BOARD OF SUPERVISORS' DETERMINATION IS FINAL UNLESS A
18 CONSTABLE SEEKS JUDICIAL REVIEW.

19 4. TAKE AND HEAR EVIDENCE, ADMINISTER OATHS AND AFFIRMATIONS AND
20 COMPEL BY SUBPOENA THE ATTENDANCE OF WITNESSES, INCLUDING CONSTABLES, AND
21 THE PRODUCTION OF BOOKS, PAPERS, RECORDS, DOCUMENTS AND OTHER INFORMATION
22 RELATING TO ANY INVESTIGATION OR HEARING.

23 5. IF THE BOARD DETERMINES THAT A CONSTABLE HAS COMMITTED A
24 CRIMINAL ACT, REFER THE INVESTIGATION TO THE COUNTY ATTORNEY'S OFFICE IN
25 THE COUNTY IN WHICH THE CONDUCT AT ISSUE OCCURRED. THE BOARD SHALL SUBMIT
26 THE INVESTIGATION'S FINDINGS TO THE COUNTY ATTORNEY. IF THE COUNTY
27 ATTORNEY DETERMINES THAT A CRIME HAS NOT OCCURRED OR DOES NOT FILE A
28 CRIMINAL COMPLAINT AGAINST THE CONSTABLE, THE BOARD SHALL ADJUDICATE THE
29 COMPLAINT PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION.

30 ~~C.~~ D. With respect to peace officer misconduct, the board may:

31 1. Receive complaints of peace officer misconduct from any person,
32 request law enforcement agencies to conduct investigations and conduct
33 independent investigations into whether an officer is in compliance with
34 the qualifications established pursuant to subsection A, paragraph 3 of
35 this section.

36 2. Receive a complaint of peace officer misconduct from the
37 president or chief executive officer of a board recognized law enforcement
38 association that represents the interests of certified law enforcement
39 officers if the association believes that a law enforcement agency refused
40 to investigate or made findings that are contradictory to prima facie
41 evidence of a violation of the qualifications established pursuant to
42 subsection A, paragraph 3 of this section. If the board finds that the
43 law enforcement agency refused to investigate or made findings that
44 contradicted prima facie evidence of a violation of the qualifications
45 established pursuant to subsection A, paragraph 3 of this section, the
46 board shall conduct an independent investigation to determine whether the
47 officer is in compliance with the qualifications established pursuant to
48 subsection A, paragraph 3 of this section and provide a letter of the
49 findings based on the investigation conducted by the board to the

1 president or chief executive officer of the board recognized law
2 enforcement association who made the complaint.

3 ~~D.~~ E. The board may:

4 1. Deny, suspend, revoke or cancel the certification of an officer
5 who is not in compliance with the qualifications established pursuant to
6 subsection A, paragraph 3 of this section.

7 2. Provide training and related services to assist state, tribal
8 and local law enforcement agencies to better serve the public, including
9 training for emergency alert notification systems.

10 3. Enter into contracts to carry out its powers and duties.

11 ~~E.~~ F. This section does not create a cause of action or a right to
12 bring an action, including an action based on discrimination due to sexual
13 orientation.

14 ~~F.~~ G. For the purposes of this section: ~~;~~

15 1. "CONSTABLE" INCLUDES A DEPUTY CONSTABLE WHO IS APPOINTED,
16 EMPLOYED OR AUTHORIZED BY A COUNTY BOARD OF SUPERVISORS.

17 2. "Sexual orientation" means consensual homosexuality or
18 heterosexuality."

19 Amend title to conform

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