

House Engrossed

testimony; disciplinary action; prohibition

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2253

AN ACT

AMENDING SECTION 38-1106, ARIZONA REVISED STATUTES; RELATING TO LAW
ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-1106, Arizona Revised Statutes, is amended to
3 read:

4 38-1106. Appeal of disciplinary actions; transcripts; change
5 of hearing officer or administrative law judge;
6 burden of proof; final disposition report;
7 exception

8 A. In any appeal of a disciplinary action by a law enforcement
9 officer, the parties shall cooperate with each other, act in good faith
10 and exchange copies of all relevant documents and a list of all witnesses
11 pursuant to the following time periods and requirements:

12 1. Within fourteen calendar days after the employer's receipt of a
13 written request from the law enforcement officer for a copy of the
14 investigative file that is accompanied by a copy of the filed notice of
15 appeal, the employer shall provide a complete copy of the investigative
16 file as well as the names and contact information for all persons
17 interviewed during the course of the investigation.

18 2. Not later than fourteen calendar days before the appeal hearing,
19 the parties shall produce and serve on every party the following
20 information:

21 (a) The name of each witness whom the disclosing party expects to
22 call at the appeal hearing, with a designation of the subject matter on
23 which each witness might be called to testify. A witness may decline an
24 interview. The parties shall not interfere with any decision of a witness
25 regarding whether to be interviewed. An employer shall not discipline,
26 retaliate against or threaten to retaliate against any witness for
27 agreeing to be interviewed or for testifying or providing evidence in the
28 appeal.

29 (b) The name and contact information of each person who has given
30 statements, whether written or recorded or signed or unsigned, regarding
31 matters relevant to the notice of discipline and the custodian of the
32 copies of those statements.

33 (c) Copies of any documents that may be introduced at the hearing
34 and that have not previously been disclosed.

35 3. The duty to disclose information continues to exist throughout
36 the process and up to the end of the appeal process.

37 B. It is unlawful for a person to disseminate information that is
38 disclosed pursuant to subsection A of this section to any person other
39 than the parties to the appeal and their lawful representatives for
40 purposes of the appeal of the disciplinary action. This subsection does
41 not prohibit the use of the information in the hearing or disclosure
42 pursuant to title 39, chapter 1, article 2.

43 C. If a transcript is required in an administrative hearing, the
44 employer shall obtain the transcript and provide a copy to the law

1 enforcement officer within ten calendar days after the employer's receipt
2 of the transcript.

3 D. Failure to comply with the requirements of subsection A or B of
4 this section shall result in the exclusion of the witness, evidence or
5 testimony, unless the failure to comply is because of excusable neglect.

6 E. The employer or the law enforcement officer may seek a
7 determination by the hearing officer, administrative law judge or appeals
8 board hearing the appeal regarding any evidence that the employer or the
9 law enforcement officer believes should not be disclosed pursuant to
10 subsection A of this section because the risk of harm involved in
11 disclosure outweighs any usefulness of the disclosure in the hearing. In
12 determining whether evidence will be disclosed, the hearing officer,
13 administrative law judge or appeals board may perform an in camera review
14 of the evidence and may disclose the material subject to any restriction
15 on the disclosure, including the closing of the hearing or the sealing of
16 the records, that the hearing officer, administrative law judge or appeals
17 board finds necessary under the circumstances. **AN AGENCY, AN EMPLOYER OR
18 A POLITICAL SUBDIVISION IN THIS STATE MAY NOT TAKE ANY RETALIATORY ACTION
19 AGAINST AN EMPLOYEE FOR PROVIDING TESTIMONY IN ANY PROCEEDING PURSUANT TO
20 THIS SUBSECTION.**

21 F. In any appeal of a disciplinary action by a law enforcement
22 officer in which a single hearing officer or administrative law judge has
23 been appointed to conduct the appeal hearing, the law enforcement officer
24 or the employer, within ten calendar days after the appointment of the
25 hearing officer or administrative law judge, may request a change of
26 hearing officer or administrative law judge. In cases before the office
27 of administrative hearings or if the employer is a county, city or town,
28 on the first request of a party, the request shall be granted. A city or
29 town with a population of less than sixty-five thousand persons or a
30 county with a population of less than two hundred fifty thousand persons
31 must provide, if necessary to comply with this subsection, for an
32 alternate hearing officer by means of an interagency agreement with
33 another city, town or county. If the law enforcement officer is the party
34 who requested the alternate hearing officer, the law enforcement officer
35 shall reimburse the city, town or county for one-half of any additional
36 expenses incurred by the city, town or county in procuring the alternate
37 hearing officer under the interagency agreement. If an alternate hearing
38 officer is requested by means of an interagency agreement, the hearing
39 officer shall provide to the law enforcement officer or employer the
40 option of continuing the hearing for an additional ten calendar days. Any
41 subsequent requests may be granted only on a showing that a fair and
42 impartial hearing cannot be obtained due to the prejudice of the assigned
43 hearing officer or administrative law judge. The supervisor or
44 supervising body of the hearing officer or administrative law judge shall
45 decide whether a showing of prejudice has been made.

1 G. The employer has the burden of proof in an appeal of a
2 disciplinary action by a law enforcement officer.

3 H. The hearing officer, administrative law judge or appeals board
4 may take into consideration violations of this article as mitigation in
5 determining discipline.

6 I. Except where a statute, rule or ordinance makes the
7 administrative evidentiary hearing the final administrative determination
8 and after a hearing where the law enforcement officer and the employer
9 have been equally allowed to call and examine witnesses, cross-examine
10 witnesses, provide documentary evidence and otherwise fully participate in
11 the hearing, an employer or a person acting on behalf of an employer may
12 amend, modify, reject or reverse the portion of a decision made by a
13 hearing officer, administrative law judge or appeals board that was
14 arbitrary or without reasonable justification. The employer or person
15 acting on behalf of the employer shall state the reason for the amendment,
16 modification, rejection or reversal.

17 J. Notwithstanding chapter 3, article 3.1 of this title, all
18 hearings pursuant to this section ~~shall be~~ ARE open to the public.
19 Executive sessions allowed pursuant to section 38-431.03 shall be limited
20 to legal advice to a personnel appeals board or for deliberations.

21 K. A law enforcement officer who prevails in an appeal where a
22 termination has been reversed shall be awarded retroactive compensation
23 from the date of the officer's separation to the date of reinstatement.
24 The hearing officer, administrative law judge or appeals board hearing the
25 appeal shall determine the amount of retroactive compensation awarded and
26 any reduction to that amount. Retroactive compensation may be reduced:

27 1. If there is undue delay in setting a hearing date caused by the
28 law enforcement officer or the law enforcement officer's representative.

29 2. If the law enforcement officer requests a continuance.

30 3. If there exists a period between separation and reinstatement
31 that the law enforcement officer would have been unable to perform the
32 duties of a law enforcement officer.

33 4. By any amount earned by the law enforcement officer in
34 alternative employment.

35 5. If the hearing officer, administrative law judge or appeals
36 board finds that the law enforcement officer's action or misconduct
37 warrants suspension or demotion.

38 L. The hearing officer, administrative law judge or appeals board
39 shall state in every finding of disciplinary action whether or not just
40 cause existed for the disciplinary action.

41 M. The hearing officer, administrative law judge or appeals board
42 shall document in the record those circumstances where the hearing
43 officer, administrative law judge or appeals board determines that a party
44 has clearly violated a party's obligation under this section.

1 N. Immediately after a law enforcement officer receives the final
2 disposition of an appeal of a disciplinary action, the administrative law
3 judge, hearing officer or presiding authority shall provide a final
4 disposition report that includes the final decision and any amended
5 findings of fact to the law enforcement agency that initiated or imposed
6 the discipline.

7 O. A law enforcement agency that receives a final disposition
8 report shall include the final disposition report in the agency's original
9 investigation record. If the law enforcement agency provided a
10 prosecuting agency with information that was obtained during the
11 investigation of the law enforcement officer for the prosecuting agency's
12 rule 15.1 database AS DEFINED IN SECTION 38-1119, the law enforcement
13 agency shall forward the final disposition report to the prosecuting
14 agency.

15 P. AN AGENCY, AN EMPLOYER OR A POLITICAL SUBDIVISION OF THIS STATE
16 MAY NOT PROHIBIT OR OBSTRUCT AN EMPLOYEE, INCLUDING AN EMPLOYEE DESIGNATED
17 AS A SUBJECT MATTER EXPERT, FROM PROVIDING TESTIMONY TO AN ADMINISTRATIVE
18 OR JUDICIAL PROCEEDING RELATING TO THE APPEAL OF A DISCIPLINARY ACTION
19 PURSUANT TO THIS SECTION.

20 ~~P.~~ Q. This section does not apply to a law enforcement officer who
21 is employed by an agency of this state as an at will employee.