

COBB FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2893
(Reference to printed bill)

1 Page 2, line 18, after the first "OR" strike remainder of line

2 Page 4, lines 18 and 19, strike "12-700" insert "12-270"

3 Page 6, between lines 26 and 27, insert:

4 "(c) A PROBATIONER WHOSE PROBATION IS TERMINATED ON SERVING A
5 SENTENCE IN A COUNTY JAIL IN LIEU OF PROBATION REVOCATION FOR A NEW CRIME
6 OR TECHNICAL VIOLATION."

7 Page 16, after line 43, insert:

8 "Sec. 16. Section 38-1117, Arizona Revised Statutes, as added by
9 Laws 2021, chapter 322, section 1, is amended to read:

10 38-1117. Law enforcement officer investigation and discipline
11 committee, board, agency, department, entity or
12 person; membership; qualifications; exceptions;
13 statewide concern

14 A. Notwithstanding any other law, ANY PERSON, OR at least two-thirds
15 of the voting membership of any government committee, board, AGENCY,
16 DEPARTMENT or entity, that investigates law enforcement officer misconduct,
17 that influences the conduct of or certifies law enforcement officer
18 misconduct investigations, that recommends disciplinary actions for law
19 enforcement officer misconduct or that imposes discipline for law
20 enforcement officer misconduct must be Arizona peace officer standards and
21 training board certified law enforcement officers who are of any rank and
22 who are from the same department or agency as the law enforcement officer
23 who is the subject of the investigation or disciplinary action. If the

1 committee, board, AGENCY, DEPARTMENT or entity consists of nonvoting
2 members, not more than one-third of the members may be nonvoting members.

3 B. If ~~a~~ THE PERSON OR committee, board, AGENCY, DEPARTMENT or
4 entity does not meet the requirements prescribed in subsection A of this
5 section, a supervisor, a department or an agency head that supervises a law
6 enforcement officer may investigate and impose discipline for a law
7 enforcement officer's misconduct if the supervisor, department or agency
8 head acts independently of the PERSON, committee, board, AGENCY, DEPARTMENT
9 or entity.

10 C. This section does not apply to EITHER OF THE FOLLOWING:

11 1. A PERSON OR A governmental review committee, board, AGENCY,
12 DEPARTMENT or entity that ONLY REVIEWS THE ACTIONS DESCRIBED IN SUBSECTION
13 A OF THIS SECTION AND THAT does not determine the initial level of
14 discipline or have the authority to increase the severity of the
15 disciplinary action.

16 ~~D. 2. The requirement prescribed in subsection A of this section~~
17 ~~that members of the government committee, board or entity be from the same~~
18 ~~department or agency does not apply to~~ The Arizona peace officer standards
19 and training board.

20 D. THE LEGISLATURE FINDS THAT SETTING AND MAINTAINING STANDARDS OF
21 PROFESSIONALISM AND INTEGRITY OF LAW ENFORCEMENT OFFICERS IN THIS STATE ARE
22 OF STATEWIDE CONCERN.

23 Sec. 17. Section 38-1161, Arizona Revised Statutes, as added by Laws
24 2021, chapter 338, section 1, is amended to read:

25 38-1161. Civilian review board members; required training;
26 statewide concern; exception; definition

27 A. Before a person becomes a member of a civilian review board that
28 reviews the actions of peace officers in this state, the person must
29 ~~satisfactorily complete~~ either:

30 1. SATISFACTORILY COMPLETE EITHER:

31 (a) A community college police academy.

1 ~~2.~~ (b) A total of eighty hours of Arizona peace officer standards
2 and training board certified training in the following subjects:

3 ~~(a)~~ (i) Arizona law on use of force justification.

4 ~~(b)~~ (ii) Dynamics of use of force encounters.

5 ~~(c)~~ (iii) Dynamics of de-escalation.

6 ~~(d)~~ (iv) Body-worn camera capabilities and limitations.

7 ~~(e)~~ (v) ~~In-custody~~ IN-CUSTODY deaths.

8 ~~(f)~~ (vi) Criminal and administrative investigations and
9 representative due process.

10 ~~(g)~~ (vii) Twenty hours of simulated event law enforcement training,
11 which shall count toward the eighty hours of training.

12 2. BE CURRENTLY, OR HAS PREVIOUSLY BEEN, CERTIFIED BY THE ARIZONA
13 PEACE OFFICER STANDARDS AND TRAINING BOARD.

14 B. Members currently serving on civilian review boards shall
15 complete the training required by this section within one year ~~of~~ AFTER the
16 effective date of this section.

17 C. THE LEGISLATURE FINDS THAT SETTING AND MAINTAINING STANDARDS OF
18 PROFESSIONALISM AND INTEGRITY OF PEACE OFFICERS IN THIS STATE ARE OF
19 STATEWIDE CONCERN.

20 D. THIS SECTION DOES NOT APPLY TO A MEMBER OF THE ARIZONA PEACE
21 OFFICER STANDARDS AND TRAINING BOARD.

22 ~~E.~~ E. For the purposes of this section, "civilian review board"
23 means a PERSON OR A committee, BOARD, AGENCY, DEPARTMENT OR ENTITY that is
24 comprised entirely or partially of civilian appointees and that does any of
25 the following:

26 1. Receives community complaints about the actions taken by
27 employees of a state or local law enforcement agency.

28 2. Reviews, monitors, audits or participates in internal
29 investigations of employees of state or local law enforcement agencies.

30 3. Recommends policy changes or disciplinary measures to state or
31 local law enforcement agencies regarding actions taken by an employee of
32 the agency.

1 4. Issues reports or information about actions taken by an employee
2 of a state or local law enforcement agency.

3 5. INVESTIGATES LAW ENFORCEMENT OFFICER CONDUCT OR MISCONDUCT,
4 INFLUENCES THE CONDUCT OF OR CERTIFIES LAW ENFORCEMENT OFFICER CONDUCT OR
5 MISCONDUCT INVESTIGATIONS, RECOMMENDS DISCIPLINARY ACTIONS FOR LAW
6 ENFORCEMENT OFFICER MISCONDUCT OR IMPOSES DISCIPLINE FOR LAW ENFORCEMENT
7 OFFICER MISCONDUCT. THIS PARAGRAPH DOES NOT APPLY TO A PERSON OR A
8 COMMITTEE, BOARD, AGENCY, DEPARTMENT OR ENTITY THAT ONLY REVIEWS THE
9 ACTIONS OF ANOTHER PERSON OR COMMITTEE, BOARD, AGENCY, DEPARTMENT OR ENTITY
10 AND DOES NOT DETERMINE THE INITIAL LEVEL OF DISCIPLINE OR HAVE THE
11 AUTHORITY TO INCREASE THE LEVEL OF DISCIPLINE.

12 Sec. 18. Section 41-194.01, Arizona Revised Statutes, is amended to
13 read:

14 41-194.01. Violations of state law by counties, cities and
15 towns; attorney general investigation; report;
16 withholding of state shared revenues

17 A. At the request of one or more members of the legislature, the
18 attorney general shall investigate any ordinance, regulation, order or
19 other official action adopted or taken by the governing body of a county,
20 city or town OR ANY POLICY, RULE OR REGULATION ADOPTED BY ANY AGENCY,
21 DEPARTMENT OR OTHER ENTITY OF THE COUNTY, CITY OR TOWN that the member
22 alleges violates state law or the Constitution of Arizona.

23 B. The attorney general shall make a written report of findings and
24 conclusions as a result of the investigation within thirty days after
25 receipt of the request and shall provide a copy of the report to the
26 governor, the president of the senate, the speaker of the house of
27 representatives, the member or members of the legislature making the
28 original request and the secretary of state. If the attorney general
29 concludes that the ordinance, regulation, order or other action under
30 investigation:

31 1. Violates any provision of state law or the Constitution of
32 Arizona, the attorney general shall provide notice to the county, city or

town, by certified mail, of the violation and shall indicate that the county, city or town has thirty days to resolve the violation. If the attorney general determines that the county, city or town has failed to resolve the violation within thirty days, the attorney general shall:

(a) Notify the state treasurer who shall withhold and redistribute state shared monies from the county, city or town as provided by section 42-5029, subsection L and from the city or town as provided by section 43-206, subsection F.

(b) Continue to monitor the response of the governing body, and when the offending ordinance, regulation, order or action is repealed or the violation is otherwise resolved, the attorney general shall notify:

(i) The governor, the president of the senate, the speaker of the house of representatives and the member or members of the legislature making the original request that the violation has been resolved.

(ii) The state treasurer to restore the distribution of state shared revenues to the county, city or town.

2. May violate a provision of state law or the Constitution of Arizona, the attorney general shall file a special action in ~~THE~~ supreme court to resolve the issue, and the supreme court shall give the action precedence over all other cases. The court shall require the county, city or town to post a bond equal to the amount of state shared ~~revenue~~ REVENUES paid to the county, city or town pursuant to ~~section~~ SECTIONS 42-5029 and 43-206 in the preceding six months.

3. Does not violate any provision of state law or the Constitution of Arizona, the attorney general shall take no further action pursuant to this section."

Renumber to conform

Page 18, line 8, strike "Body-worn camera"

Line 9, strike "": definition"

Lines 11 and 27, strike "FROM A PEACE OFFICER'S BODY-WORN CAMERA"

Page 19, lines 2 and 3, strike "FROM A PEACE OFFICER'S BODY-WORN CAMERA"

Strike lines 23 and 24

1 Page 22, after line 7, insert:

2 "Sec. 28. Retroactivity

3 The following apply retroactively to from and after December 31,
4 2020:

5 1. Laws 2021, chapter 322, section 1.

6 2. Laws 2021, chapter 338, section 1.

7 3. Section 38-1117, Arizona Revised Statutes, as amended by this
8 act.

9 4. Section 38-1161, Arizona Revised Statutes, as amended by this
10 act."

11 Amend title to conform

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06/06/2021

5:43 PM

C: SP