

House Engrossed

peace officers; investigator membership requirements

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 322
HOUSE BILL 2567

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 38-1117; 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. Title 38, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 38-1117, to read:
4 38-1117. Law enforcement officer investigation and discipline
5 committee, board or entity; membership;
6 qualifications; exception
7 A. NOTWITHSTANDING ANY OTHER LAW, AT LEAST TWO-THIRDS OF THE VOTING
8 MEMBERSHIP OF ANY GOVERNMENT COMMITTEE, BOARD OR ENTITY THAT INVESTIGATES
9 LAW ENFORCEMENT OFFICER MISCONDUCT, THAT INFLUENCES THE CONDUCT OF OR
10 CERTIFIES LAW ENFORCEMENT OFFICER MISCONDUCT INVESTIGATIONS, THAT
11 RECOMMENDS DISCIPLINARY ACTIONS FOR LAW ENFORCEMENT OFFICER MISCONDUCT OR
12 THAT IMPOSES DISCIPLINE FOR LAW ENFORCEMENT OFFICER MISCONDUCT MUST BE
13 ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD CERTIFIED LAW
14 ENFORCEMENT OFFICERS WHO ARE OF ANY RANK AND WHO ARE FROM THE SAME
15 DEPARTMENT OR AGENCY AS THE LAW ENFORCEMENT OFFICER WHO IS THE SUBJECT OF
16 THE INVESTIGATION OR DISCIPLINARY ACTION. IF THE COMMITTEE, BOARD OR
17 ENTITY CONSISTS OF NONVOTING MEMBERS, NOT MORE THAN ONE-THIRD OF THE
18 MEMBERS MAY BE NONVOTING MEMBERS.
19 B. IF A COMMITTEE, BOARD OR ENTITY DOES NOT MEET THE REQUIREMENTS
20 PRESCRIBED IN SUBSECTION A OF THIS SECTION, A SUPERVISOR, A DEPARTMENT OR
21 AN AGENCY HEAD THAT SUPERVISES A LAW ENFORCEMENT OFFICER MAY INVESTIGATE
22 AND IMPOSE DISCIPLINE FOR A LAW ENFORCEMENT OFFICER'S MISCONDUCT IF THE
23 SUPERVISOR, DEPARTMENT OR AGENCY HEAD ACTS INDEPENDENTLY OF THE COMMITTEE,
24 BOARD OR ENTITY.
25 C. THIS SECTION DOES NOT APPLY TO A GOVERNMENTAL REVIEW COMMITTEE,
26 BOARD OR ENTITY THAT DOES NOT DETERMINE THE INITIAL LEVEL OF DISCIPLINE OR
27 HAVE THE AUTHORITY TO INCREASE THE SEVERITY OF THE DISCIPLINARY ACTION.
28 D. THE REQUIREMENT PRESCRIBED IN SUBSECTION A OF THIS SECTION THAT
29 MEMBERS OF THE GOVERNMENT COMMITTEE, BOARD OR ENTITY BE FROM THE SAME
30 DEPARTMENT OR AGENCY DOES NOT APPLY TO THE ARIZONA PEACE OFFICER STANDARDS
31 AND TRAINING BOARD.

APPROVED BY THE GOVERNOR MAY 5, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2021.