

REFERENCE TITLE: law enforcement officers: AZPOST

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HB 2721

Introduced by  
Representative Kavanagh

## AN ACT

REPEALING SECTION 38-1117, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 403, SECTION 16; AMENDING SECTION 38-1117, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 322, SECTION 1; REPEALING LAWS 2021, CHAPTER 403, SECTION 28; 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. Repeal

3 Section 38-1117, Arizona Revised Statutes, as amended by Laws 2021,  
4 chapter 403, section 16, is repealed.

5 Sec. 2. Section 38-1117, Arizona Revised Statutes, as added by Laws  
6 2021, chapter 322, section 1, is amended to read:

7 38-1117. Law enforcement officer investigation and discipline  
8 committee, board, agency, department, office,  
9 entity or person; membership; qualifications;  
10 exceptions; statewide concern; definition

11 A. Notwithstanding any other law, at least two-thirds of the ~~voting~~  
12 ~~membership~~ MEMBERS, STAFF, EMPLOYEES OR SEATS of any government committee,  
13 board, AGENCY, DEPARTMENT, OFFICE or entity that investigates law  
14 enforcement officer misconduct, ~~that~~ influences the conduct of or  
15 certifies law enforcement officer misconduct investigations, ~~that~~  
16 recommends disciplinary actions for law enforcement officer misconduct or  
17 ~~that~~ imposes discipline for law enforcement officer misconduct must be  
18 Arizona peace officer standards and training board certified law  
19 enforcement officers who are of any rank and who are from the same  
20 department or agency as the law enforcement officer who is the subject of  
21 the investigation or disciplinary action. ~~If the committee, board or~~  
22 ~~entity consists of nonvoting members, not more than one-third of the~~  
23 ~~members may be nonvoting members.~~

24 B. ANY FINDINGS OR RECOMMENDATIONS FROM ANY GOVERNMENT COMMITTEE,  
25 BOARD, AGENCY, DEPARTMENT, OFFICE OR ENTITY SHALL REQUIRE A MAJORITY VOTE  
26 TO DO ANY OF THE FOLLOWING:

27 1. INVESTIGATE LAW ENFORCEMENT OFFICER MISCONDUCT.

28 2. INFLUENCE THE CONDUCT OF OR CERTIFY LAW ENFORCEMENT OFFICER  
29 MISCONDUCT INVESTIGATIONS.

30 3. RECOMMEND DISCIPLINARY ACTIONS FOR LAW ENFORCEMENT OFFICER  
31 MISCONDUCT.

32 4. IMPOSE DISCIPLINE FOR LAW ENFORCEMENT OFFICER MISCONDUCT.

33 ~~B.~~ C. If ~~a~~ THE PERSON OR GOVERNMENT committee, board, AGENCY,  
34 DEPARTMENT, OFFICE or entity does not meet the ~~requirements~~ TWO-THIRDS  
35 REQUIREMENT prescribed in subsection A of this section, a supervisor, a  
36 department or an agency head that supervises a law enforcement officer may  
37 investigate and impose discipline for ~~a~~ THE law enforcement officer's  
38 misconduct if the supervisor, department or agency head acts independently  
39 of the PERSON, committee, board, AGENCY, DEPARTMENT, OFFICE or entity.

40 ~~C.~~ D. This section does not apply to ANY OF THE FOLLOWING:

41 1. A PERSON OR ~~governmental review~~ A GOVERNMENT committee, board,  
42 AGENCY, DEPARTMENT or entity that ONLY REVIEWS THE ACTIONS DESCRIBED IN  
43 SUBSECTION A OF THIS SECTION AND THAT does not determine the initial level  
44 of discipline or have the authority to increase the severity of the  
45 disciplinary action.

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

5           3. A MULTIJURISDICTIONAL LAW ENFORCEMENT AGENCY OR TASK FORCE OR A  
6 SIMILAR ENTITY THAT IS CHARGED WITH INVESTIGATING THE USE OF FORCE BY LAW  
7 ENFORCEMENT OFFICERS, IF AT LEAST TWO-THIRDS OF THE MEMBERSHIP OF THE  
8 MULTIJURISDICTIONAL LAW ENFORCEMENT AGENCY OR TASK FORCE OR THE SIMILAR  
9 ENTITY CONSISTS OF ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD  
10 CERTIFIED LAW ENFORCEMENT OFFICERS.

11           E. THE LEGISLATURE FINDS THAT SETTING AND MAINTAINING STANDARDS OF  
12 PROFESSIONALISM AND INTEGRITY OF LAW ENFORCEMENT OFFICERS IN THIS STATE  
13 ARE OF STATEWIDE CONCERN.

14           F. FOR THE PURPOSES OF THIS SECTION, "MEMBERS, STAFF, EMPLOYEES OR  
15 SEATS":

- 16           1. INCLUDES ANY PERSON WHO PARTICIPATES IN THE FOLLOWING:  
17           (a) INVESTIGATING LAW ENFORCEMENT OFFICER MISCONDUCT.  
18           (b) INFLUENCING THE CONDUCT OR CERTIFICATION OF LAW ENFORCEMENT  
19 OFFICER MISCONDUCT INVESTIGATIONS.  
20           (c) RECOMMENDING DISCIPLINARY ACTIONS FOR LAW ENFORCEMENT OFFICER  
21 MISCONDUCT.  
22           (d) IMPOSING DISCIPLINE FOR LAW ENFORCEMENT OFFICER MISCONDUCT.

23           2. DOES NOT INCLUDE SUPPORT OR ADMINISTRATIVE STAFF OR ANY PERSON  
24 WHO ONLY REVIEWS THE ACTIONS OF THE REMAINDER OF THE GOVERNMENT COMMITTEE,  
25 BOARD, AGENCY, DEPARTMENT, OFFICE OR ENTITY.

26           Sec. 3. Repeal  
27           Laws 2021, chapter 403, section 28 is repealed.

28           Sec. 4. Retroactivity  
29           Section 38-1117, Arizona Revised Statutes, as amended by this act,  
30 and Laws 2021, chapter 322, section 1 apply retroactively to from and  
31 after December 31, 2020.