

House Engrossed

law enforcement; misconduct investigations; extension

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

HOUSE BILL 2347

AN ACT

AMENDING SECTION 38-1110, 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 38-1110, Arizona Revised Statutes, is amended to
3 read:

4 38-1110. Time limitation on disciplinary action against law
5 enforcement officer; exceptions

6 A. An employer shall make a good faith effort to complete any
7 investigation of employee misconduct within one hundred eighty calendar
8 days after the employer receives notice of the allegation by a person
9 authorized by the employer to initiate an investigation of the
10 misconduct. The investigation is considered complete on the date the
11 employee is served with the notice of discipline or the notice of
12 findings. ~~Before the employer exceeds the one hundred eighty calendar day~~
13 ~~limit, the employer shall provide the employee with a written explanation~~
14 ~~containing the reasons the investigation continued beyond one hundred~~
15 ~~eighty calendar days.~~ THE EMPLOYER MAY CONTINUE THE INVESTIGATION BEYOND
16 THE ONE HUNDRED EIGHTY-CALENDAR-DAY PERIOD ONLY IF IT IS DEMONSTRATED THAT
17 ADDITIONAL TIME IS NECESSARY TO OBTAIN OR REVIEW EVIDENCE. BEFORE THE
18 EMPLOYER EXCEEDS THE ONE HUNDRED EIGHTY-CALENDAR-DAY LIMIT, THE EMPLOYER
19 SHALL PROVIDE THE EMPLOYEE WITH A WRITTEN EXPLANATION OF THE REASONS THE
20 INVESTIGATION CONTINUED BEYOND ONE HUNDRED EIGHTY CALENDAR DAYS. EXCEPT
21 AS PROVIDED IN SUBSECTION C, PARAGRAPH 6, OF THIS SECTION ANY EXTENSION
22 MAY NOT EXCEED ONE HUNDRED EIGHTY CALENDAR DAYS. SUBJECT TO THE CONDITIONS
23 IN SUBSECTION B OF THIS SECTION, IF THE INVESTIGATION IS NOT COMPLETE AT
24 THE CONCLUSION OF THE EXTENSION PERIOD, THE MATTER SHALL BE DISMISSED.

25 B. THE TIME LIMITATION SET FORTH IN SUBSECTION A DOES NOT PRECLUDE
26 THE EMPLOYER FROM INITIATING A NEW INVESTIGATION OF THE EMPLOYEE FOR
27 MISCONDUCT UPON NEWLY DISCOVERED MATERIAL EVIDENCE THAT COULD NOT WITH
28 REASONABLE DILIGENCE HAVE BEEN DISCOVERED DURING THE INITIAL ONE HUNDRED
29 EIGHTY CALENDAR DAY LIMITATION OR ANY EXTENSION.

30 ~~B.~~ C. The limitation period established by subsection A of this
31 section:

32 1. Is suspended during the time that any criminal investigation or
33 prosecution is pending in connection with the act, omission or other
34 allegation of misconduct.

35 2. Is suspended during the period of time in which a law
36 enforcement officer who is involved in the investigation is incapacitated
37 or otherwise unavailable.

38 3. May be suspended for a period prescribed in a written waiver of
39 the limitation by the law enforcement officer.

40 4. May be suspended for emergencies or natural disasters during the
41 time period in which the governor has declared a state of emergency within
42 the jurisdictional boundaries of the concerned employer.

43 5. In a multijurisdictional investigation, may be extended for a
44 period of time reasonably necessary to facilitate the coordination of the
45 employers involved.

1 6. FOR ANY EMPLOYER SUBJECT TO SUPERVISION BY A COURT ORDERED
2 MONITOR, THE ONETIME EXTENSION PROVIDED IN SUBSECTION A OF THIS SECTION
3 SHALL BE THREE HUNDRED SIXTY DAYS.

4 ~~C.~~ D. On an appeal of discipline by the employee, a hearing
5 officer, administrative law judge or appeals board ~~may~~ SHALL dismiss the
6 discipline if it is determined that the employer did not make a good faith
7 effort to complete the investigation within one hundred eighty calendar
8 days OR ANY EXTENSION. The allegation regarding any act, omission or
9 other misconduct may be sustained, and the employee's record shall reflect
10 that the allegation was sustained but no discipline was administered due
11 to the finding of the hearing officer, administrative law judge or appeals
12 board that the employer did not make a good faith effort to complete the
13 investigation in one hundred eighty calendar days OR ANY EXTENSION. The
14 sustained discipline may be considered when determining discipline in any
15 future sustained misconduct allegation. If the employer determines that
16 disciplinary action is appropriate, the employer shall complete the
17 employer's investigation and give notice in writing to the law enforcement
18 officer of the employer's intent to proceed with disciplinary action,
19 along with a proposal of the specific action sought, including length of
20 suspension, if applicable.

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