

REFERENCE TITLE: law enforcement; misconduct investigations; extension

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

# HB 2347

Introduced by  
Representative Payne

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. ANY  
21 EXTENSION MAY NOT EXCEED ONE HUNDRED EIGHTY CALENDAR DAYS. SUBJECT TO THE  
22 CONDITIONS IN SUBSECTION B OF THIS SECTION, IF THE INVESTIGATION IS NOT  
23 COMPLETE AT THE CONCLUSION OF THE EXTENSION PERIOD, THE MATTER SHALL BE  
24 DISMISSED.

25 B. The limitation period established by subsection A of this  
26 section:

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

30 2. Is suspended during the period of time in which a law  
31 enforcement officer who is involved in the investigation is incapacitated  
32 or otherwise unavailable.

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

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

38 5. In a multijurisdictional investigation, may be extended for a  
39 period of time reasonably necessary to facilitate the coordination of the  
40 employers involved.

41 C. On an appeal of discipline by the employee, a hearing officer,  
42 administrative law judge or appeals board ~~may~~ SHALL dismiss the discipline  
43 if it is determined that the employer did not make a good faith effort to  
44 complete the investigation within one hundred eighty calendar days ~~OR ANY~~  
45 EXTENSION. The allegation regarding any act, omission or other misconduct

1 may be sustained, and the employee's record shall reflect that the  
2 allegation was sustained but no discipline was administered due to the  
3 finding of the hearing officer, administrative law judge or appeals board  
4 that the employer did not make a good faith effort to complete the  
5 investigation in one hundred eighty calendar days **OR ANY EXTENSION**. The  
6 sustained discipline may be considered when determining discipline in any  
7 future sustained misconduct allegation. If the employer determines that  
8 disciplinary action is appropriate, the employer shall complete the  
9 employer's investigation and give notice in writing to the law enforcement  
10 officer of the employer's intent to proceed with disciplinary action,  
11 along with a proposal of the specific action sought, including length of  
12 suspension, if applicable.

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