

REFERENCE TITLE: **alternative prosecution; diversion; fund; appropriation**

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

HB 2573

Introduced by
Representative Blackman

AN ACT

AMENDING SECTION 41-2405, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2410; APPROPRIATING MONIES; RELATING TO THE ARIZONA CRIMINAL JUSTICE COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-2405, Arizona Revised Statutes, is amended to
3 read:
4 41-2405. Arizona criminal justice commission; powers and
5 duties; staff
6 A. The Arizona criminal justice commission shall:
7 1. Monitor the progress and implementation of new and continuing
8 criminal justice legislation.
9 2. Facilitate research among criminal justice agencies and maintain
10 criminal justice system information.
11 3. Facilitate coordinated statewide efforts to improve criminal
12 justice information and data sharing.
13 4. Prepare for the governor a biennial criminal justice system
14 review report. The report shall contain:
15 (a) An analysis of all criminal justice programs created by the
16 legislature in the preceding two years.
17 (b) An analysis of the effectiveness of the criminal code, with a
18 discussion of any problems and recommendations for revisions if deemed
19 necessary.
20 (c) A study of the level of activity in the several areas of the
21 criminal justice system, with recommendations for redistribution of
22 criminal justice revenues if deemed necessary.
23 (d) An overall review of the entire criminal justice system,
24 including crime prevention, criminal apprehension, prosecution, court
25 administration and incarceration at the state and local levels as well as
26 funding needs for the system.
27 (e) Recommendations for constitutional, statutory and
28 administrative revisions that are necessary to develop and maintain a
29 cohesive and effective criminal justice system.
30 5. Provide supplemental reports on criminal justice issues of
31 special timeliness.
32 6. In coordination with other governmental agencies, gather
33 information on programs that are designed to effectuate community crime
34 prevention and education using citizen participation and on programs for
35 alcohol and drug abuse prevention, education and treatment and disseminate
36 that information to the public, political subdivisions, law enforcement
37 agencies and the legislature.
38 7. Make recommendations to the legislature and the governor
39 regarding the purposes and formula for allocation of fund monies as
40 provided in section 41-2401, subsection D and section 41-2402 through the
41 biennial agency budget request.
42 8. Adopt rules for the purpose of allocating fund monies as
43 provided in sections 41-2401, 41-2402, ~~and~~ 41-2407 AND 41-2410 that are
44 consistent with the purposes set forth in those sections and that promote
45 effective and efficient use of the monies.

1 9. Make reports to the governor and the legislature as they
2 require.

3 10. Oversee the research, analyses, studies, reports and
4 publication of crime and criminal justice statistics prepared by the
5 Arizona statistical analysis center, which is an operating section of the
6 Arizona criminal justice commission.

7 11. Prepare an annual report on law enforcement activities in this
8 state that are funded by the drug and gang enforcement fund or the
9 criminal justice enhancement fund and that relate to illicit drugs and
10 drug related gang activity. The report shall be submitted by October 31
11 of each year to the governor, the president of the senate and the speaker
12 of the house of representatives and a copy shall be submitted to the
13 secretary of state. The report shall include:

14 (a) The name and a description of each law enforcement program
15 dealing with illegal drug activity or street gang activity, or both.

16 (b) The objective and goals of each program.

17 (c) The source and amount of monies received by each program.

18 (d) The name of the agency or entity that administers each program.

19 (e) The effectiveness of each program.

20 12. Compile and disseminate information on best practices for cold
21 case investigations, including effective victim communication procedures.
22 For the purposes of this paragraph, "cold case" means a homicide or a
23 felony sexual offense that remains unsolved for one year or more after
24 being reported to a law enforcement agency and that has no viable and
25 unexplored investigatory leads.

26 13. ~~Beginning January 1, 2019,~~ Submit an annual recidivism report
27 to the legislature that compares the recidivism rate for a person who
28 serves a term of mandatory incarceration in a county jail pursuant to
29 section 28-1383 and a person who serves that term of mandatory
30 incarceration in prison.

31 B. The Arizona criminal justice commission, as necessary to perform
32 its functions, may:

33 1. Request any state or local criminal justice agency to submit any
34 necessary information.

35 2. Form subcommittees, make studies, conduct inquiries and hold
36 hearings.

37 3. Subject to chapter 4, article 4 of this title, employ
38 consultants for special projects and such staff as deemed necessary or
39 advisable to carry out this section.

40 4. Delegate its duties to carry out this section, including:

41 (a) The authority to enter into contracts and agreements on behalf
42 of the commission.

43 (b) Subject to chapter 4, article 4 and, as applicable, articles 5
44 and 6 of this title, the authority to appoint, hire, terminate and
45 discipline all personnel of the commission, including consultants.

1 5. Establish joint research and information facilities with
2 governmental and private agencies.

3 6. Accept and expend public and private grants of monies, gifts and
4 contributions and expend, distribute or allocate monies appropriated to
5 the commission for the purpose of enhancing efforts to investigate or
6 prosecute and adjudicate any crime and to implement this chapter.

7 Sec. 2. Title 41, chapter 21, article 1, Arizona Revised Statutes,
8 is amended by adding section 41-2410, to read:

9 41-2410. Alternative prosecution and diversion program fund

10 A. THE ALTERNATIVE PROSECUTION AND DIVERSION PROGRAM FUND IS
11 ESTABLISHED CONSISTING OF MONIES APPROPRIATED BY THE LEGISLATURE AND ANY
12 MONIES RECEIVED THROUGH GIFTS, GRANTS OR DONATIONS. THE ARIZONA CRIMINAL
13 JUSTICE COMMISSION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
14 CONTINUOUSLY APPROPRIATED. THE COMMISSION SHALL ALLOCATE MONIES IN THE
15 FUND TO COUNTY ATTORNEYS FOR THE PURPOSE OF ESTABLISHING AND OPERATING
16 ALTERNATIVE PROSECUTION AND DIVERSION PROGRAMS SHALL BE MADE IN ACCORDANCE
17 WITH RULES ADOPTED BY THE ARIZONA CRIMINAL JUSTICE COMMISSION PURSUANT TO
18 SECTION 41-2405, SUBSECTION A, PARAGRAPH 8. THE RULES SHALL PROVIDE THAT
19 COUNTY ATTORNEYS WHO EXPLORE, DEVELOP, APPLY AND EVALUATE EVIDENCE-BASED
20 PRACTICES FOR DIVERSION FROM PROSECUTION AND ALTERNATIVES TO PROSECUTION
21 MAY BE ELIGIBLE FOR FUNDING. MONIES IN THE FUND MUST SUPPLEMENT AND NOT
22 SUPPLANT MONIES OTHERWISE AVAILABLE FOR ALTERNATIVE PROSECUTION AND
23 DIVERSION PROGRAMS.

24 B. ON OR BEFORE SEPTEMBER 30, 2023 AND EACH SUBSEQUENT FISCAL YEAR
25 THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT TO THE JOINT LEGISLATIVE
26 BUDGET COMMITTEE ON THE USE OF THE MONIES AND THE OUTCOMES OBTAINED BY THE
27 ALTERNATIVE PROSECUTION AND DIVERSION PROGRAMS DURING THE PREVIOUS FISCAL
28 YEAR. ON REQUEST BY THE COMMISSION, EACH COUNTY ATTORNEY SHALL PROVIDE
29 INFORMATION REASONABLY NECESSARY TO COMPLETE THE REPORTS.

30 C. THE COUNTY TREASURER SHALL INVEST THESE MONIES AND INTEREST
31 EARNED SHALL BE EXPENDED ONLY FOR THE PURPOSES SPECIFIED IN THIS SECTION.

32 Sec. 3. Appropriation; alternative prosecution and diversion
33 program fund; exemption

34 A. The sum of \$20,000,000 is appropriated from the state general
35 fund in fiscal year 2022-2023 to the alternative prosecution and diversion
36 program fund established by section 41-2410, Arizona Revised Statutes, as
37 added by this act.

38 B. The appropriation made in subsection A of this section is exempt
39 from the provisions of section 35-190, Arizona Revised Statutes, relating
40 to lapsing of appropriations.