

REFERENCE TITLE: **DUI information; annual report; ACJC**

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

HB 2583

Introduced by
Representative Kavanagh

AN ACT

**AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-2410; 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. Title 41, chapter 21, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-2410, to read:

4 41-2410. Driving under the influence information report

5 A. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL SUBMIT AN ANNUAL
6 REPORT RELATING TO DRIVING UNDER THE INFLUENCE INFORMATION TO THE
7 GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF
8 THE SENATE AND SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF
9 STATE.

10 B. THE REPORT SHALL CONTAIN THE FOLLOWING INFORMATION FROM THE
11 PREVIOUS YEAR:

12 1. THE NUMBER OF CITATIONS ISSUED FOR DRIVING UNDER THE INFLUENCE
13 PURSUANT TO TITLE 28, CHAPTER 4, ARTICLE 3.

14 2. THE NUMBER OF CRIMINAL CHARGES THAT RESULTED FROM DRIVING UNDER
15 THE INFLUENCE PURSUANT TO TITLE 28, CHAPTER 4, ARTICLE 3.

16 3. A LIST OF THE SUBSTANCES THAT WERE INVOLVED IN ALL VIOLATIONS OF
17 TITLE 28, CHAPTER 4, ARTICLE 3. THE LIST SHALL:

18 (a) INCLUDE A BREAKDOWN OF THE SUBSTANCES INVOLVED INTO THE
19 FOLLOWING CATEGORIES:

20 (i) CENTRAL NERVOUS SYSTEM DEPRESSANTS.

21 (ii) CENTRAL NERVOUS SYSTEM STIMULANTS.

22 (iii) HALLUCINOGENS.

23 (iv) DISSOCIATIVE ANESTHETICS.

24 (v) NARCOTIC ANALGESICS.

25 (vi) INHALANTS.

26 (vii) CANNABIS.

27 (b) BE ORGANIZED AS FOLLOWS:

28 (i) VIOLATIONS INVOLVING ALCOHOL ONLY.

29 (ii) VIOLATIONS INVOLVING DELTA-9-TETRAHYDROCANNABINOL OR ITS
30 ISOMERS OR IMPAIRING CHEMICAL DERIVATIVES ONLY.

31 (iii) VIOLATIONS INVOLVING SINGLE DRUGS ONLY, LISTED BY DRUG.

32 (iv) VIOLATIONS INVOLVING POLYDRUGS, LISTED BY POLYDRUG
33 COMBINATIONS.

34 4. THE NUMBER OF VIOLATIONS OF TITLE 28, CHAPTER 4, ARTICLE 3 THAT
35 INVOLVED VICTIMS, INCLUDING DEATH, SERIOUS BODILY INJURY, PROPERTY DAMAGE
36 AND THE NUMBER OF VICTIMS.

37 5. THE NUMBER OF CONVICTIONS IN THE PREVIOUS YEAR FOR VIOLATIONS OF
38 TITLE 28, CHAPTER 4, ARTICLE 3 IN THIS STATE AND IN EACH COUNTY OF THIS
39 STATE.

40 6. IF THE CONVICTIONS DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION
41 RESULTED FROM A BLOOD TEST PURSUANT TO TITLE 28, CHAPTER 4, ARTICLE 2, ALL
42 OF THE FOLLOWING:

43 (a) A LIST OF THE DRUGS IDENTIFIED.

44 (b) FOR ALCOHOL, A HISTOGRAM OF THE BLOOD ALCOHOL CONTENT,
45 INCLUDING MEAN AND MEDIAN VALUES.

1 (c) FOR TETRAHYDROCANNABINOL, A HISTOGRAM OF BLOOD
2 TETRAHYDROCANNABINOL.

3 (d) THE REPORT BY THE LABORATORY THAT DID THE TESTING AND THE
4 MEDIUM OF THE TESTING, SUCH AS WHOLE BLOOD, PLASMA, URINE AND ORAL FLUIDS.

5 (e) THE TIME THAT ELAPSED BETWEEN THE INCIDENT THAT REQUIRED THE
6 TAKING OF A BIOLOGICAL SAMPLE FOR TESTING AND DRAWING THE BIOLOGICAL
7 SAMPLE, NOTING IF A WARRANT WAS REQUIRED TO COLLECT THE SAMPLE.

8 C. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL OBTAIN THE
9 INFORMATION IN THE REPORT FROM THE COURTS, FORENSIC TOXICOLOGY
10 LABORATORIES, LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT.

11 D. THE COURTS SHALL PROVIDE THE FOLLOWING INFORMATION TO THE
12 ARIZONA CRIMINAL JUSTICE COMMISSION:

13 1. CASE IDENTIFIER INFORMATION, INCLUDING THE PERSON'S NAME, DATE
14 OF BIRTH AND DATE OF CITATION.

15 2. EVENT INFORMATION, INCLUDING THE LAW ENFORCEMENT AGENCY
16 INVOLVED, THE AGENCY CASE NUMBER, FILING DATES AND THE DATE AND TIME OF
17 THE EVENT.

18 3. DEMOGRAPHIC INFORMATION.

19 4. ALL CHARGES FILED FOR EACH CASE.

20 5. A CAUSE OF THE CITATION. IF THE CAUSE WAS A VEHICLE ACCIDENT,
21 THE COURT SHALL INCLUDE WHETHER THE VEHICLE ACCIDENT RESULTED IN DEATH,
22 SERIOUS BODILY INJURY OR PROPERTY DAMAGE.

23 6. COURT FINDINGS AND SENTENCES.

24 E. TOXICOLOGY LABORATORIES SHALL PROVIDE THE FOLLOWING INFORMATION
25 TO THE ARIZONA CRIMINAL JUSTICE COMMISSION:

26 1. CASE IDENTIFIER INFORMATION, INCLUDING THE PERSON'S NAME, DATE
27 OF BIRTH AND DATE OF CITATION.

28 2. COLLECTION INFORMATION AND TIME OF COLLECTION.

29 3. SCREENING AND CONFIRMATORY LABORATORY VALUES OF EACH DRUG
30 CONFIRMED.

31 F. LAW ENFORCEMENT AGENCIES SHALL PROVIDE THE FOLLOWING INFORMATION
32 TO THE ARIZONA CRIMINAL JUSTICE COMMISSION:

33 1. CASE IDENTIFIER INFORMATION, INCLUDING THE PERSON'S NAME, DATE
34 OF BIRTH AND DATE OF CITATION.

35 2. LAW ENFORCEMENT AGENCY INFORMATION, INCLUDING THE NAME OF THE
36 LAW ENFORCEMENT AGENCY INVOLVED, THE NAME OF THE LAW ENFORCEMENT OFFICER
37 WHO ISSUED THE CITATION AND THE CASE IDENTIFIER.

38 3. EVIDENTIARY BREATH TEST RESULTS.

39 G. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL REMOVE ALL
40 CONFIDENTIAL INFORMATION FROM REPORTS GENERATED PURSUANT TO THIS SECTION.

41 Sec. 2. Effective date

42 Section 41-2410, Arizona Revised Statutes, as added by this act, is
43 effective from and after December 31, 2022.