

House Engrossed

law enforcement officers: AZPOST

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

HOUSE BILL 2721

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4 chapter 403, section 16, is repealed.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, OFFICE or entity that ONLY REVIEWS THE ACTIONS
43 DESCRIBED IN SUBSECTION A OF THIS SECTION AND THAT does not determine the
44 initial level of discipline or have the authority to increase the severity
45 of the 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.