

REFERENCE TITLE: *criminal justice information; reporting; collection*

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1225

Introduced by
Senators Quezada: Terán; Representatives Andrade, Hernandez M

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. Criminal justice data collection and reporting;
5 annual presentation; penalty

6 A. NOT LATER THAN JULY 1, 2023 AND ANNUALLY THEREAFTER, THE ARIZONA
7 CRIMINAL JUSTICE COMMISSION SHALL PRESENT TO THE LEGISLATURE A REPORT ON
8 PROSECUTORIAL DATA RELATING TO THE PREVIOUS CALENDAR YEAR AND SHALL MAKE
9 THE REPORT PUBLICLY AVAILABLE ON THE COMMISSION'S WEBSITE. BEGINNING ON
10 OR AFTER JULY 1, 2023, THE COMMISSION SHALL INCLUDE THE DATA COLLECTED
11 UNDER SUBSECTION C OF THIS SECTION IN ITS ANNUAL PRESENTATION.

12 B. NOT LATER THAN JULY 1, 2023 AND ONCE EVERY TWO WEEKS THEREAFTER,
13 THE ATTORNEY GENERAL SHALL PROVIDE TO THE ARIZONA CRIMINAL JUSTICE
14 COMMISSION THE DATA COLLECTED UNDER SUBSECTION C OF THIS SECTION FOR THE
15 PREVIOUS TWO WEEKS.

16 C. THE ATTORNEY GENERAL, IN CONSULTATION WITH THE JUDICIAL BRANCH
17 AND THE STATE DEPARTMENT OF CORRECTIONS, SHALL COLLECT THE FOLLOWING DATA:

18 1. DISAGGREGATED DATA AS IT RELATES TO EACH DEFENDANT IN CRIMINAL
19 CASES AS FOLLOWS:

20 (a) DEMOGRAPHIC DATA, INCLUDING THE DEFENDANT'S RACE OR ETHNICITY
21 AND GENDER.

22 (b) THE DEFENDANT'S AGE, AND IF THE DEFENDANT IS UNDER EIGHTEEN
23 YEARS OF AGE, WHETHER THE DEFENDANT'S CASE WAS EITHER:

24 (i) ON THE REGULAR CRIMINAL DOCKET OF THE SUPERIOR COURT.

25 (ii) UNDER THE JURISDICTION OF THE JUVENILE COURT.

26 (c) THE ZIP CODE OF THE DEFENDANT'S PRIMARY RESIDENCE.

27 (d) THE DEFENDANT'S PRIMARY LANGUAGE, IF KNOWN.

28 (e) WHETHER THERE IS A COURT FINDING THAT THE DEFENDANT IS
29 INDIGENT.

30 2. DISAGGREGATED DATA AS IT RELATES TO EACH DEFENDANT FOR EACH
31 ALLEGED OFFENSE AND ANY COURT PROCEEDINGS ASSOCIATED WITH THE ALLEGED
32 OFFENSE AS FOLLOWS:

33 (a) EACH CHARGE BROUGHT AGAINST THE DEFENDANT, WHETHER THE CASE
34 INVOLVES A:

35 (i) MISDEMEANOR OFFENSE.

36 (ii) FELONY OFFENSE.

37 (iii) BOTH A FELONY AND MISDEMEANOR OFFENSE, AND IN THE CASE OF A
38 DRUG-RELATED CHARGE, THE DRUG TYPE AND AMOUNT ASSOCIATED WITH EACH SUCH
39 CHARGE.

40 (b) THE DATE OF ANY ALLEGED OFFENSE AND THE MUNICIPALITY IN WHICH
41 THE ALLEGED OFFENSE OCCURRED.

42 (c) THE DATE THAT THE DEFENDANT WAS TAKEN INTO CUSTODY BY A LAW
43 ENFORCEMENT AGENCY OR WAS ISSUED A NOTICE TO APPEAR ON A CRIMINAL CHARGE
44 AND THE DATE OF THE ARRAIGNMENT FOR EACH CHARGE.

1 (d) THE ATTORNEY ASSIGNMENT DATE AND ATTORNEY WITHDRAWAL DATE, IF
2 APPLICABLE.

3 (e) THE DATE OF EACH COURT APPEARANCE BY THE DEFENDANT BEFORE
4 DISPOSITION OF THE DEFENDANT'S CASE.

5 (f) THE DATE THE DEFENDANT'S CASE WAS DISPOSED OF BY THE COURT.

6 3. DISAGGREGATED DATA AS IT RELATES TO EACH DEFENDANT FOR EACH
7 ALLEGED OFFENSE RELATED TO BAIL OR BOND AND OTHER PRETRIAL RELEASE
8 DETERMINATIONS, INCLUDING THE FOLLOWING:

9 (a) PRETRIAL RELEASE DETERMINATIONS MADE AT AN ARRAIGNMENT HEARING,
10 INCLUDING ALL MONETARY AND NONMONETARY CONDITIONS OF RELEASE AND ANY
11 MODIFICATIONS TO THE CONDITIONS OF RELEASE.

12 (b) CASH BAIL OR BOND PAYMENT, INCLUDING WHETHER THE DEFENDANT USED
13 A PROFESSIONAL BONDSMAN OR A SURETY BAIL BOND AGENT TO POST A SURETY BOND.

14 (c) THE DATE THAT THE DEFENDANT WAS RELEASED ON BAIL OR BOND OR
15 UNDER SOME OTHER CONDITION OF PRETRIAL RELEASE.

16 (d) ANY BAIL OR BOND OR OTHER CONDITION OF PRETRIAL RELEASE
17 REVOCATION DUE TO A NEW OFFENSE, A FAILURE TO APPEAR OR A VIOLATION OF THE
18 TERMS OF BAIL OR BOND OR OTHER CONDITIONS OF PRETRIAL RELEASE.

19 (e) A COUNTY ATTORNEY'S RECOMMENDATIONS, IF ANY, CONCERNING SETTING
20 OR REVOKING BAIL OR BOND OR OTHER PRETRIAL RELEASE CONDITIONS, IF ANY.

21 (f) ANY REASON PRETRIAL RELEASE WAS NOT GRANTED, IF APPLICABLE.

22 4. DISAGGREGATED DATA AS IT RELATES TO THE SENTENCING OF EACH
23 DEFENDANT, INCLUDING THE FOLLOWING:

24 (a) THE OFFENSE FOR WHICH THE DEFENDANT WAS SENTENCED, THE STATUTE
25 UNDER WHICH THE DEFENDANT WAS SENTENCED AND THE CLASS OF OFFENSE FOR WHICH
26 THE DEFENDANT WAS SENTENCED, THE LENGTH OF ANY TERM OF IMPRISONMENT TO
27 WHICH THE DEFENDANT WAS SENTENCED AND ANY PERIOD OF PROBATION, PAROLE OR
28 COMMUNITY SUPERVISION.

29 (b) THE AMOUNT OF TIME SERVED IN CUSTODY BY THE DEFENDANT RELATED
30 TO THE CRIMINAL CASE THAT IS CREDITED AT THE TIME OF DISPOSITION OF THE
31 CASE TO REDUCE THE ACTUAL LENGTH OF TIME THE DEFENDANT WILL SERVE AS PART
32 OF THE TERM OF IMPRISONMENT THAT IS ORDERED BY THE COURT AT DISPOSITION.

33 (c) WHETHER THE DEFENDANT WAS OFFERED OR REQUIRED TO ATTEND A
34 DIVERSIONARY PROGRAM AND WHICH SUCH PROGRAMS WERE OFFERED OR REQUIRED.

35 (d) THE TOTAL AMOUNT OF COURT FEES OR FINES IMPOSED BY THE COURT AT
36 THE DISPOSITION OF THE DEFENDANT'S CASE AND ANY OUTSTANDING BALANCE THAT
37 THE DEFENDANT MAY HAVE ON THE FEES OR FINES.

38 (e) ANY RESTITUTION AMOUNT ORDERED INCLUDING ANY AMOUNT COLLECTED
39 BY THE COURT AND ANY AMOUNT PAID TO A VICTIM.

40 (f) ANY OFFERS OF A PLEA DEAL AND WHETHER A PLEA DEAL WAS ENTERED
41 INTO AND ACCEPTED BY THE COURT.

42 D. THE ATTORNEY GENERAL SHALL ASSIGN A UNIQUE IDENTIFIER TO EACH
43 PIECE OF DATA REQUIRED BY SUBSECTION C OF THIS SECTION THAT ASSOCIATES
44 THAT DATA TO A SINGLE UNIDENTIFIED DEFENDANT. INFORMATION COLLECTED UNDER
45 THIS SECTION THAT PERSONALLY IDENTIFIES A VICTIM MAY NOT BE DISCLOSED.

1 THIS SECTION DOES NOT ALLOW A PERSON TO ACCESS JUVENILE RECORDS THAT ARE
2 MAINTAINED UNDER SEAL BY THE COURT, UNLESS OTHERWISE PROVIDED BY LAW, AND
3 INFORMATION FROM ANY SUCH RECORD THAT PERSONALLY IDENTIFIES A JUVENILE
4 DEFENDANT MAY NOT BE DISCLOSED.

5 E. NOT LATER THAN JANUARY 1, 2023 AND ONCE EVERY TWO WEEKS
6 THEREAFTER, THE BOARD OF EXECUTIVE CLEMENCY SHALL REPORT TO THE ARIZONA
7 CRIMINAL JUSTICE COMMISSION AND MAKE AVAILABLE ON THE BOARD'S WEBSITE THE
8 FOLLOWING INFORMATION:

9 1. THE OUTCOMES OF PAROLE OR COMMUNITY SUPERVISION VIOLATION
10 HEARINGS, INCLUDING WHETHER:

11 (a) PROBABLE CAUSE OF A PAROLE OR COMMUNITY SUPERVISION VIOLATION
12 WAS FOUND AND THE ALLEGED VIOLATION WAS SERIOUS ENOUGH TO WARRANT
13 REVOCATION OF PAROLE OR COMMUNITY SUPERVISION.

14 (b) PROBABLE CAUSE OF A PAROLE OR COMMUNITY SUPERVISION VIOLATION
15 WAS FOUND BUT THE ALLEGED VIOLATION WAS NOT SERIOUS ENOUGH TO WARRANT
16 REVOCATION.

17 (c) NO PROBABLE CAUSE OF A PAROLE OR COMMUNITY SUPERVISION
18 VIOLATION WAS FOUND.

19 2. THE NUMBER OF:

20 (a) INDIVIDUALS REMANDED TO THE CUSTODY OF THE STATE DEPARTMENT OF
21 CORRECTIONS FOR CRIMINAL AND TECHNICAL VIOLATIONS.

22 (b) INDIVIDUALS HELD IN CUSTODY BEYOND A HEARING PENDING A FINAL
23 PAROLE OR COMMUNITY SUPERVISION REVOCATION HEARING.

24 3. OUTCOMES OF FINAL PAROLE OR COMMUNITY SUPERVISION REVOCATION
25 HEARINGS, INCLUDING WHETHER THERE WAS A RECOMMENDATION TO REINSTATE PAROLE
26 OR COMMUNITY SUPERVISION OR REVOKE PAROLE OR COMMUNITY SUPERVISION.

27 F. NOTWITHSTANDING ANY OTHER LAW, AN ENTITY THAT FAILS TO COLLECT
28 AND TRANSMIT DATA AS REQUIRED BY THIS SECTION IS NOT ELIGIBLE TO RECEIVE
29 MONIES FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION OR ANY STATE GRANT
30 PROGRAM FOR FIVE YEARS AFTER THE DATE OF THE ENTITY'S NONCOMPLIANCE.