

REFERENCE TITLE: law enforcement; response times; requirements

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2418

Introduced by
Representative Gress

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.49; REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 25; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 3, SECTION 11; AMENDING SECTION 41-2405, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL LAW ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.49, to read:

4 9-500.49. Law enforcement; response time requirements

5 A. EACH CITY OR TOWN SHALL PROVIDE FOR ENOUGH LAW ENFORCEMENT
6 PATROL OFFICERS TO ACHIEVE A RESPONSE TIME TO EACH LAW ENFORCEMENT
7 EMERGENCY CALL OF NOT MORE THAN FIVE MINUTES.

8 B. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ESTABLISH POLICIES
9 AND PROCEDURES THAT DEFINE LAW ENFORCEMENT EMERGENCY RESPONSE TIME.

10 C. THE CITY OR TOWN SHALL REPORT ANNUALLY TO THE ARIZONA CRIMINAL
11 JUSTICE COMMISSION THE CITY'S OR TOWN'S LAW ENFORCEMENT EMERGENCY RESPONSE
12 TIME.

13 D. THE AUDITOR GENERAL SHALL PERFORM AN ANNUAL AUDIT OF THE CITY'S
14 OR TOWN'S PROCESSES AND THE DATA USED IN COMPILING AND DETERMINING THE
15 CITY'S OR TOWN'S AVERAGE LAW ENFORCEMENT EMERGENCY RESPONSE TIME.

16 Sec. 2. Repeal

17 Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
18 2021, chapter 405, section 25, is repealed.

19 Sec. 3. Section 41-1279.03, Arizona Revised Statutes, as amended by
20 Laws 2019, chapter 3, section 11, is amended to read:

21 41-1279.03. Powers and duties

22 A. The auditor general shall:

23 1. Prepare an audit plan for approval by the committee and report
24 to the committee the results of each audit and investigation and other
25 reviews conducted by the auditor general.

26 2. Conduct or cause to be conducted at least biennial financial and
27 compliance audits of financial transactions and accounts kept by or for
28 all state agencies subject to the single audit act of 1984 (P.L. 98-502).
29 The audits shall be conducted in accordance with generally accepted
30 governmental auditing standards and accordingly shall include tests of the
31 accounting records and other auditing procedures as may be considered
32 necessary in the circumstances. The audits shall include the issuance of
33 suitable reports as required by the single audit act of 1984 (P.L. 98-502)
34 so that the legislature, the federal government and others will be
35 informed as to the adequacy of financial statements of ~~the~~ THIS state in
36 compliance with generally accepted governmental accounting principles and
37 to determine whether this state has complied with laws and regulations
38 that may have a material effect on the financial statements and on major
39 federal assistance programs.

40 3. Perform procedural reviews for all state agencies at times
41 determined by the auditor general. These reviews may include evaluation
42 of administrative and accounting internal controls and reports on these
43 reviews.

44 4. Perform special research requests, special audits and related
45 assignments as designated by the committee and conduct performance audits,

1 special audits, special research requests and investigations of any state
2 agency, whether created by the constitution or otherwise, as may be
3 requested by the committee.

4 5. Annually on or before the fourth Monday of December, prepare a
5 written report to the governor and to the committee that contains a
6 summary of activities for the previous fiscal year.

7 6. In the tenth year and in each fifth year thereafter in which a
8 transportation excise tax is in effect in a county as provided in section
9 42-6106 or 42-6107, conduct a performance audit that:

10 (a) Reviews past expenditures and future planned expenditures of
11 the transportation excise revenues and determines the impact of the
12 expenditures in solving transportation problems within the county and, for
13 a transportation excise tax in effect in a county as provided in section
14 42-6107, determines whether the expenditures of the transportation excise
15 revenues comply with section 28-6392, subsection B.

16 (b) Reviews projects completed to date and projects to be completed
17 during the remaining years in which a transportation excise tax is in
18 effect. Within six months after each review period, the auditor general
19 shall present a report to the speaker of the house of representatives and
20 the president of the senate detailing findings and making recommendations.

21 (c) Reviews, determines, reports and makes recommendations to the
22 speaker of the house of representatives and the president of the senate
23 whether the distribution of ARIZONA highway user revenues complies with
24 title 28, chapter 18, article 2.

25 7. If requested by the committee, conduct performance audits of
26 counties and incorporated cities and towns receiving ARIZONA highway user
27 revenue fund monies pursuant to title 28, chapter 18, article 2 to
28 determine whether the monies are being spent as provided in section
29 28-6533, subsection B.

30 8. Perform special audits designated pursuant to law if the auditor
31 general determines that there are adequate monies appropriated for the
32 auditor general to complete the audit. If the auditor general determines
33 the appropriated monies are inadequate, the auditor general shall notify
34 the committee.

35 9. Establish a schoolwide audit team in the office of the auditor
36 general to conduct performance audits and monitor school districts to
37 determine the percentage of every dollar spent in the classroom by the
38 school district. Each school district shall prominently post on its
39 website home page a copy of its profile pages that displays the percentage
40 of every dollar spent in the classroom by that school district from the
41 most recent status report issued by the auditor general pursuant to this
42 paragraph. The performance audits shall determine whether school
43 districts that receive monies from the Arizona English language learner
44 fund established by section 15-756.04 and the statewide compensatory
45 instruction fund established by section 15-756.11 comply with title 15,

1 chapter 7, article 3.1. The auditor general shall determine, through
 2 random selection, the school districts to be audited each year, subject to
 3 review by the joint legislative audit committee. A school district that
 4 is subject to an audit pursuant to this paragraph shall notify the auditor
 5 general in writing whether the school district agrees or disagrees with
 6 the findings and recommendations of the audit and whether the school
 7 district will implement the findings and recommendations, implement
 8 modifications to the findings and recommendations or refuse to implement
 9 the findings and recommendations. The school district shall submit to the
 10 auditor general a written status report on the implementation of the audit
 11 findings and recommendations every six months for two years after an audit
 12 conducted pursuant to this paragraph. The auditor general shall review
 13 the school district's progress toward implementing the findings and
 14 recommendations of the audit every six months after receipt of the
 15 district's status report for two years. The auditor general may review a
 16 school district's progress beyond this two-year period for recommendations
 17 that have not yet been implemented by the school district. The auditor
 18 general shall provide a status report of these reviews to the joint
 19 legislative audit committee. The school district shall participate in any
 20 hearing scheduled during this review period by the joint legislative audit
 21 committee or by any other legislative committee designated by the joint
 22 legislative audit committee.

23 10. NOTWITHSTANDING ANY OTHER LAW, REVIEW THE PROCESSES AND
 24 STATUTORY REQUIREMENTS FOR MAINTAINING THE STATEWIDE VOTER REGISTRATION
 25 DATABASE, COUNTY EARLY VOTING LISTS AND THE COUNTY VOTER REGISTRATION
 26 DATABASES FOR COUNTIES WITH A POPULATION OF MORE THAN ONE MILLION PERSONS.
 27 THE SECRETARY OF STATE AND THE COUNTY RECORDERS SHALL NOTIFY THE AUDITOR
 28 GENERAL IN WRITING OF THE TOTAL EXPENDITURES MADE FOR VOTER REGISTRATION
 29 PROGRAMS AND EVENTS AND SHALL PROVIDE A DESCRIPTION OF THOSE PROGRAMS AND
 30 EVENTS, INCLUDING ANY POLITICAL PARTY AFFILIATION. THE SECRETARY OF STATE
 31 AND THE COUNTY RECORDERS ALSO SHALL SPECIFY THEIR ATTENDANCE AT THESE
 32 PROGRAMS, EVENTS AND OUTREACH ACTIVITIES AND WHETHER THEY USED ANY
 33 THIRD-PARTY DATA IN CONDUCTING THESE PROGRAMS, EVENTS AND ACTIVITIES. ON
 34 OR BEFORE JUNE 30 EACH EVEN-NUMBERED YEAR, THE AUDITOR GENERAL SHALL
 35 SUBMIT A REPORT ON ITS FINDINGS TO THE PRESIDENT OF THE SENATE AND THE
 36 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL SUBMIT A COPY OF THE
 37 REPORT TO THE SECRETARY OF STATE.

38 ~~10.~~ 11. Annually review per diem compensation and reimbursement of
 39 expenses for employees of this state and members of a state board,
 40 commission, council or advisory committee by judgmentally selecting
 41 samples and evaluating the propriety of per diem compensation and expense
 42 reimbursements.

43 12. ANNUALLY PERFORM AN AUDIT OF THE PROCESSES AND DATA USED IN
 44 COMPILING AND DETERMINING CITIES' AND TOWNS' LAW ENFORCEMENT EMERGENCY
 45 RESPONSE TIMES AS PRESCRIBED IN SECTION 9-500.49.

1 B. The auditor general may:

2 1. Subject to approval by the committee, adopt rules necessary to
3 administer the duties of the office.

4 2. Hire consultants to conduct the studies required by subsection
5 A, paragraphs 6 and 7 of this section.

6 C. If approved by the committee, the auditor general may charge a
7 reasonable fee for the cost of performing audits or providing accounting
8 services for auditing federal funds, special audits or special services
9 requested by political subdivisions of this state. Monies collected
10 pursuant to this subsection shall be deposited in the audit services
11 revolving fund.

12 D. The department of transportation, the board of supervisors of a
13 county that has approved a county transportation excise tax as provided in
14 section 42-6106 or 42-6107 and the governing bodies of counties, cities
15 and towns receiving ARIZONA highway user revenue fund monies shall
16 cooperate with and provide necessary information to the auditor general or
17 the auditor general's consultant.

18 E. The department of transportation shall reimburse the auditor
19 general as follows, and the auditor general shall deposit the reimbursed
20 monies in the audit services revolving fund:

21 1. For the cost of conducting the studies or hiring a consultant to
22 conduct the studies required by subsection A, paragraph 6, subdivisions
23 (a) and (b) of this section, from monies collected pursuant to a county
24 transportation excise tax levied pursuant to section 42-6106 or 42-6107.

25 2. For the cost of conducting the studies or hiring a consultant
26 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
27 this section, from the Arizona highway user revenue fund.

28 Sec. 4. Section 41-2405, Arizona Revised Statutes, is amended to
29 read:

30 41-2405. Arizona criminal justice commission; powers and
31 duties; staff

32 A. The Arizona criminal justice commission shall:

33 1. Monitor the progress and implementation of new and continuing
34 criminal justice legislation.

35 2. Facilitate research among criminal justice agencies and maintain
36 criminal justice system information.

37 3. Facilitate coordinated statewide efforts to improve criminal
38 justice information and data sharing.

39 4. Prepare for the governor a biennial criminal justice system
40 review report. The report shall contain:

41 (a) An analysis of all criminal justice programs created by the
42 legislature in the preceding two years.

43 (b) An analysis of the effectiveness of the criminal code, with a
44 discussion of any problems and recommendations for revisions if deemed
45 necessary.

1 (c) A study of the level of activity in the several areas of the
2 criminal justice system, with recommendations for redistribution of
3 criminal justice revenues if deemed necessary.

4 (d) An overall review of the entire criminal justice system,
5 including crime prevention, criminal apprehension, prosecution, court
6 administration and incarceration at the state and local levels as well as
7 funding needs for the system.

8 (e) Recommendations for constitutional, statutory and
9 administrative revisions that are necessary to develop and maintain a
10 cohesive and effective criminal justice system.

11 5. Provide supplemental reports on criminal justice issues of
12 special timeliness.

13 6. In coordination with other governmental agencies, gather
14 information on programs that are designed to effectuate community crime
15 prevention and education using citizen participation and on programs for
16 alcohol and drug abuse prevention, education and treatment and disseminate
17 that information to the public, political subdivisions, law enforcement
18 agencies and the legislature.

19 7. Make recommendations to the legislature and the governor
20 regarding the purposes and formula for allocation of fund monies as
21 provided in section 41-2401, subsection D and section 41-2402 through the
22 biennial agency budget request.

23 8. Adopt rules for the purpose of allocating fund monies as
24 provided in sections 41-2401, 41-2402 and 41-2407 that are consistent with
25 the purposes set forth in those sections and that promote effective and
26 efficient use of the monies.

27 9. Make reports to the governor and the legislature as they
28 require.

29 10. Oversee the research, analyses, studies, reports and
30 publication of crime and criminal justice statistics prepared by the
31 Arizona statistical analysis center, which is an operating section of the
32 Arizona criminal justice commission.

33 11. Prepare an annual report on law enforcement activities in this
34 state that are funded by the drug and gang enforcement fund or the
35 criminal justice enhancement fund and that relate to illicit drugs and
36 ~~drug-related~~ DRUG-RELATED gang activity. The report shall be submitted by
37 October 31 of each year to the governor, the president of the senate and
38 the speaker of the house of representatives and a copy shall be submitted
39 to the secretary of state. The report shall include:

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

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

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

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

45 (e) The effectiveness of each program.

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

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

12 14. **ADOPT POLICIES AND PROCEDURES TO DEFINE LAW ENFORCEMENT**
13 **EMERGENCY RESPONSE TIME AS PROVIDED IN SECTION 9-500.49.**

14 15. **RECEIVE AND REVIEW ANNUAL REPORTS OF CITIES' AND TOWNS' LAW**
15 **ENFORCEMENT EMERGENCY RESPONSE TIMES AS PRESCRIBED IN SECTION 9-500.49.**

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

18 1. Request any state or local criminal justice agency to submit any
19 necessary information.

20 2. Form subcommittees, make studies, conduct inquiries and hold
21 hearings.

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

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

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

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

31 5. Establish joint research and information facilities with
32 governmental and private agencies.

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