

REFERENCE TITLE: **criminal justice; 2023-2024**

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

HB 2814

Introduced by
Representatives Livingston: Chaplik (with permission of Committee on
Rules)

AN ACT

AMENDING SECTIONS 41-2832 AND 44-1531.02, ARIZONA REVISED STATUTES;
AMENDING LAWS 2018, CHAPTER 278, SECTION 17, AS AMENDED BY LAWS 2021,
CHAPTER 403, SECTION 24 AND LAWS 2022, CHAPTER 310, SECTION 6; RELATING TO
CRIMINAL JUSTICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-2832, Arizona Revised Statutes, is amended to
3 read:

4 41-2832. County contributions for committed youth in secure
5 care facilities; county payments; excluded costs

6 A. The department shall annually assess a committed youth
7 confinement cost sharing fee to each county with a population of more than
8 ~~five hundred thousand~~ THREE MILLION persons.

9 B. Each county with a population of more than ~~five hundred thousand~~
10 THREE MILLION persons shall pay the monies owed within thirty days after a
11 request by the department. If a county does not make the payment, the
12 director shall notify the state treasurer of the amount owed and the state
13 treasurer shall withhold the amount, including any additional interest as
14 provided in section 42-1123, from any transaction privilege tax revenues
15 that would otherwise be distributed to the county. The state treasurer
16 shall deposit, pursuant to sections 35-146 and 35-147, the withholdings in
17 the department of juvenile corrections local cost sharing fund established
18 by section 41-2833. The department shall deposit the monies received from
19 a county in the department of juvenile corrections local cost sharing fund
20 established by section 41-2833.

21 C. County contributions made pursuant to this section are excluded
22 from the county expenditure limitations.

23 D. Notwithstanding any other law, a county may meet the cost
24 sharing requirements of this section from any source of county revenue
25 designated by the county, including monies of any countywide special
26 taxing jurisdiction in which the board of supervisors serves as the board
27 of directors.

28 Sec. 2. Section 44-1531.02, Arizona Revised Statutes, is amended to
29 read:

30 44-1531.02. Consumer restitution and remediation revolving
31 fund; subaccounts

32 A. The consumer restitution and remediation revolving fund is
33 established to be administered by the attorney general under the
34 conditions and for the purposes provided by this section. On notice from
35 the attorney general, the state treasurer shall invest and divest monies
36 in the fund as provided by section 35-313, and monies earned from
37 investment shall be credited to the appropriate subaccount of the fund.

38 B. The consumer restitution subaccount of the consumer restitution
39 and remediation revolving fund is established consisting of monies
40 collected or received by the attorney general as the result of an order of
41 a court of competent jurisdiction, or as the result of a settlement or
42 compromise, for the purpose of compensating specific, identifiable
43 persons, including this state, for economic loss resulting from violations
44 or alleged violations of consumer protection laws. The attorney general
45 shall administer the subaccount. Monies in the subaccount are

1 continuously appropriated. Monies in the subaccount are exempt from the
 2 provisions of section 35-190 relating to lapsing of appropriations. The
 3 attorney general shall distribute monies in the subaccount to specific,
 4 identifiable persons as directed by a court order. The attorney general
 5 may distribute any unexpended monies in the consumer restitution
 6 subaccount to the consumer protection-consumer fraud revolving fund
 7 established by section 44-1531.01.

8 C. The consumer remediation subaccount of the consumer restitution
 9 and remediation revolving fund is established consisting of monies
 10 collected or received by the attorney general from a party as the result
 11 of an order of a court of competent jurisdiction, or as the result of a
 12 settlement or compromise, to rectify violations or alleged violations of
 13 consumer protection laws, other than monies collected for the benefit of
 14 specific, identifiable persons and monies for investigative or court
 15 costs, attorney fees, civil penalties or other monies recovered as a
 16 result of the enforcement of consumer protection laws deposited in the
 17 consumer protection-consumer fraud revolving fund pursuant to section
 18 44-1531.01. The attorney general shall administer the subaccount. ALL
 19 MONIES DEPOSITED IN THE SUBACCOUNT PURSUANT TO OPIOID CLAIMS-RELATED
 20 LITIGATION OR SETTLEMENTS ARE SUBJECT TO LEGISLATIVE APPROPRIATION. ALL
 21 monies THAT ARE NOT FROM OPIOID CLAIMS-RELATED LITIGATION OR SETTLEMENTS
 22 AND THAT ARE in the subaccount up to the amount of \$4,000,000 annually are
 23 continuously appropriated. Any amounts in excess of \$4,000,000 are
 24 subject to legislative appropriation. Monies in the subaccount are exempt
 25 from the provisions of section 35-190 relating to lapsing of
 26 appropriations. The attorney general may spend monies in the subaccount
 27 for programs, including consumer fraud education programs, that are
 28 intended to rectify violations or alleged violations of consumer
 29 protection laws. The attorney general may spend monies in the consumer
 30 remediation subaccount for operating expenses incurred by the department
 31 of law in administering or implementing programs intended to rectify
 32 violations or alleged violations of consumer protection laws. The
 33 attorney general shall submit an expenditure plan to the joint legislative
 34 budget committee for review before spending any monies in the subaccount.

35 D. On or before January 15, April 15, July 15 and October 15 each
 36 year, the attorney general shall file with the governor, with copies to
 37 the director of the department of administration, the president of the
 38 senate, the speaker of the house of representatives, the secretary of
 39 state and the staff director of the joint legislative budget committee, a
 40 full and complete account of the receipts and disbursements from the fund
 41 by subaccount in the previous calendar quarter. THE ACCOUNT MUST INCLUDE
 42 A SEPARATE DELINEATED REPORT THAT INCLUDES THE RECEIPTS AND DISBURSEMENTS
 43 FOR ALL OPIOID CLAIMS-RELATED LITIGATION MONIES.

1 Sec. 3. Laws 2018, chapter 278, section 17, as amended by Laws
2 2021, chapter 403, section 24 and Laws 2022, chapter 310, section 6, is
3 amended to read:

4 Sec. 17. Supreme court; juvenile probation services fund;
5 alternative dispute resolution fund; drug
6 treatment and education fund; Arizona trial and
7 digital evidence fund; fiscal years 2018-2019,
8 2019-2020, 2020-2021, 2021-2022, 2022-2023,
9 2023-2024, 2024-2025 and 2025-2026

10 Notwithstanding sections 8-322, 12-135, 13-901.02 and 21-222,
11 Arizona Revised Statutes, in fiscal years 2018-2019, 2019-2020, 2020-2021,
12 2021-2022, ~~and~~ 2022-2023, 2023-2024, 2024-2025 AND 2025-2026, the supreme
13 court may use up to \$2,600,000 over the combined fiscal years to design,
14 implement and upgrade a new appellate case management system. The total
15 monies allocated by this section may not exceed \$2,600,000. The supreme
16 court may use monies in any of the following funds for the purposes of the
17 new appellate case management system:

18 1. The juvenile probation services fund established by section
19 8-322, Arizona Revised Statutes.

20 2. The alternative dispute resolution fund established by section
21 12-135, Arizona Revised Statutes.

22 3. The drug treatment and education fund established by section
23 13-901.02, Arizona Revised Statutes.

24 4. The Arizona trial and digital evidence fund established by
25 section 21-222, Arizona Revised Statutes.

26 Sec. 4. Fentanyl prosecution, diversion and testing fund

27 The fentanyl prosecution, diversion and testing fund is established
28 consisting of monies appropriated by the legislature. The department of
29 public safety shall administer the fund and may use monies in the fund for
30 costs that are associated with administering the fund. Monies in the fund
31 are continuously appropriated. In fiscal year 2023-2024, the department
32 shall allocate monies in the fund on a first-come, first-served basis to:

33 1. County attorneys, county sheriffs and courts to reimburse costs
34 related to fentanyl prosecutions in this state that involve a violation of
35 either of the following:

36 (a) Section 13-3408, subsection A, paragraph 2, 3 or 4, Arizona
37 Revised Statutes.

38 (b) Section 13-3408, subsection A, paragraph 7, Arizona Revised
39 Statutes, unless the violation involves the transfer or offer to transfer
40 fentanyl.

41 2. Law enforcement agencies in this state to reimburse costs
42 related to fentanyl testing.

43 3. Law enforcement agencies in this state to reimburse costs
44 related to fentanyl diversion activities.

1 expenses. The nonprofit organization may not use grant monies to purchase
2 equipment for security personnel.

3 D. An applicant for a grant must meet either of the following:

4 1. Have applied for the federal nonprofit security grant and not
5 received funding for the same year the applicant is applying for the state
6 grant.

7 2. Have been unable to apply for the federal nonprofit security
8 grant due to an inability to fund the request up front and wait for
9 reimbursement.

10 E. Applicants shall submit an application on a form prescribed by
11 the department. The department may accept an application submitted to the
12 federal government for the federal nonprofit security grant instead of the
13 state application prescribed by the department if the applicant applied
14 for a federal nonprofit security grant and did not receive funding for the
15 same year the applicant applied for the state grant.

16 F. The Arizona state nonprofit security grant program fund is
17 established consisting of grants, gifts, donations and legislative
18 appropriations. The Arizona department of homeland security shall
19 administer the fund. Monies in the fund are continuously appropriated.
20 In each of fiscal years 2023-2024, 2024-2025, 2025-2026, 2026-2027 and
21 2027-2028, monies in the fund shall be spent only on grants to applicants
22 who qualify for the Arizona state nonprofit security grant program. On
23 notice from the director, the state treasurer shall invest and divest
24 monies in the fund as provided by section 35-313, Arizona Revised
25 Statutes, and monies earned from investment shall be credited to the fund.
26 Interest or other income derived from the Arizona state nonprofit security
27 grant program fund may be used only for the purposes of this section and
28 may not be used to supplant other appropriations.

29 G. This section is repealed from and after September 30, 2028.

30 H. For the purposes of this section:

31 1. "Equipment" includes target hardening, physical and information
32 technology security enhancements, acquisition and installation of security
33 equipment on real property, including buildings and improvements, that is
34 owned or leased by the nonprofit organization, reinforced doors and gates,
35 perimeter lighting, exterior and interior door locking, alarm systems,
36 camera-based security systems, access control systems, blast resistant
37 film for windows or shatter resistant glass, lock-down systems, public
38 address systems, high-intensity lighting and alarms, inspection and
39 screening systems and access control.

40 2. "Planning":

41 (a) Means those activities that are related to protecting a
42 facility, the people within the facility and those with access to the
43 facility and providing for their functional needs.

1 (b) Includes developing and enhancing a nonprofit organization's
2 security plans and protocols, emergency contingency plans and evacuation
3 or shelter-in-place plans and the materials that are required to conduct
4 planning activities.

5 3. "Security personnel" includes personnel who are contracted with
6 and employed by the nonprofit.

7 4. "Training":

8 (a) Means training that addresses a specific threat or
9 vulnerability.

10 (b) Includes:

11 (i) Attendance and travel fees for training the nonprofit
12 organization's staff or members and security training and exercises or
13 drills, including stop the bleed, active shooter and shelter-in-place, for
14 the nonprofit organization's staff, members and visitors.

15 (ii) Training-related expenses, including supplies, materials and
16 equipment.