

REFERENCE TITLE: criminal justice records; reporting; publishing

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1476

Introduced by
Senators Mendez: Gabaldón, Hernandez, Sundareshan, Terán; Representative
Salman

AN ACT

AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-2414; 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 41-2414, to read:

4 41-2414. Crime reporting; race; ethnicity information;
5 definitions

6 A. EACH LAW ENFORCEMENT AGENCY IN THIS STATE SHALL DETERMINE AND
7 REPORT TO THE ARIZONA CRIMINAL JUSTICE COMMISSION THE NUMBER OF
8 INDIVIDUALS WHO ARE ARRESTED BUT RELEASED WITHOUT BEING CHARGED AND THE
9 RACE AND ETHNICITY OF EACH OF THOSE INDIVIDUALS.

10 B. EACH PROSECUTOR IN THIS STATE SHALL DETERMINE AND REPORT TO THE
11 ARIZONA CRIMINAL JUSTICE COMMISSION THE NUMBER OF INDIVIDUALS FOR WHOM
12 FORMAL CHARGES WERE DISMISSED AND THE RACE AND ETHNICITY OF EACH OF THOSE
13 INDIVIDUALS.

14 C. EACH CLERK OF THE COURT SHALL DETERMINE AND REPORT TO THE
15 ARIZONA CRIMINAL JUSTICE COMMISSION THE NUMBER OF INDIVIDUALS WHO WERE
16 ADMITTED INTO A PROGRAM FOR DIVERSION FROM PROSECUTION, THE RACE AND
17 ETHNICITY OF EACH OF THOSE INDIVIDUALS AND THE TYPE OF DIVERSION PROGRAM
18 IN WHICH THE INDIVIDUAL PARTICIPATED.

19 D. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ANNUALLY PUBLISH
20 ON THE COMMISSION'S PUBLIC WEBSITE THE INFORMATION REQUIRED TO BE REPORTED
21 BY THIS SECTION FOR THE PREVIOUS CALENDAR YEAR AGGREGATED BY COUNTY, RACE,
22 ETHNICITY AND TYPE OF DIVERSION PROGRAM, ALONG WITH AN ASSESSMENT OF THE
23 QUALITY OF THE INFORMATION RECEIVED.

24 E. THE ARIZONA CRIMINAL JUSTICE COMMISSION MAY COORDINATE AND
25 CONSULT WITH ANY AGENCY OR ENTITY IN THIS STATE THAT IS REQUIRED TO
26 COMPILE AND REPORT INFORMATION PURSUANT TO THIS SECTION.

27 F. FOR THE PURPOSES OF THIS SECTION:

28 1. "ARRESTED BUT RELEASED WITHOUT BEING CHARGED" MEANS AN
29 INDIVIDUAL WAS TAKEN INTO CUSTODY BY A LAW ENFORCEMENT AGENCY BUT WAS
30 SUBSEQUENTLY RELEASED FROM CUSTODY WITHOUT A FORMAL CHARGE BEING FILED
31 AGAINST THE INDIVIDUAL.

32 2. "DIVERSION FROM PROSECUTION" MEANS A PROSECUTOR PLACES A
33 DEFENDANT INTO A PROGRAM THAT RESULTS IN THE FORMAL CHARGES BEING
34 DISMISSED AFTER THE DEFENDANT SUCCESSFULLY COMPLETES THE PROGRAM.

35 3. "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY OF THIS STATE OR A
36 POLITICAL SUBDIVISION OF THIS STATE THAT IS VESTED BY LAW WITH THE DUTY TO
37 MAINTAIN PUBLIC ORDER AND ENFORCE CRIMINAL LAWS.

38 4. "RACE AND ETHNICITY" MEANS CATEGORIES OF SOCIALLY SIGNIFICANT
39 GROUPINGS BY WHICH INDIVIDUALS IDENTIFY THEMSELVES, BASED ON PHYSICAL
40 CHARACTERISTICS AND CULTURAL HERITAGE.