

REFERENCE TITLE: peace officer nonlethal device fund

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2326**

Introduced by  
Representative Payne

### AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.12; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1735; RELATING TO PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 12, chapter 1, article 1, Arizona Revised  
3 Statutes, is amended by adding section 12-116.12, to read:  
4 12-116.12. Assessment; peace officer nonlethal device fund  
5 A. IN ADDITION TO ANY OTHER PENALTY ASSESSMENT PROVIDED BY LAW, A  
6 PENALTY ASSESSMENT SHALL BE LEVIED IN AN AMOUNT OF \$2 ON EVERY FINE,  
7 PENALTY AND FORFEITURE IMPOSED AND COLLECTED BY THE COURTS FOR CRIMINAL  
8 OFFENSES, ON EVERY CIVIL PENALTY IMPOSED AND COLLECTED FOR A CIVIL TRAFFIC  
9 VIOLATION AND ON EVERY FINE, PENALTY OR FORFEITURE FOR A VIOLATION OF THE  
10 MOTOR VEHICLE STATUTES OR FOR ANY LOCAL ORDINANCE RELATING TO THE  
11 STOPPING, STANDING OR OPERATION OF A VEHICLE.  
12 B. THE COURT SHALL TRANSMIT THE ASSESSMENTS COLLECTED PURSUANT TO  
13 THIS SECTION AND A REMITTANCE REPORT OF THE FINES, CIVIL PENALTIES AND  
14 FORFEITURES COLLECTED PURSUANT TO THIS SECTION TO THE COUNTY TREASURER,  
15 EXCEPT THAT MUNICIPAL COURTS SHALL TRANSMIT THE ASSESSMENTS AND THE  
16 REMITTANCE REPORT OF THE FINES, CIVIL PENALTIES AND FORFEITURES TO THE  
17 CITY OR TOWN TREASURER.  
18 C. THE CITY, TOWN OR COUNTY TREASURER SHALL TRANSMIT THE  
19 ASSESSMENTS AND THE REMITTANCE REPORT TO THE STATE TREASURER. THE STATE  
20 TREASURER SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE  
21 ASSESSMENT IN THE PEACE OFFICER NONLETHAL DEVICE FUND ESTABLISHED BY  
22 SECTION 41-1735.  
23 D. THE COURT MAY MITIGATE ALL OR PART OF THE ASSESSMENT IN THE SAME  
24 MANNER AND SUBJECT TO THE SAME LIMITATIONS IN THE MITIGATION OF A FINE IN  
25 SECTION 13-825, SUBSECTION B.  
26 Sec. 2. Title 41, chapter 12, article 2, Arizona Revised Statutes,  
27 is amended by adding section 41-1735, to read:  
28 41-1735. Peace officer nonlethal device fund  
29 A. THE PEACE OFFICER NONLETHAL DEVICE FUND IS ESTABLISHED  
30 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 12-116.12. THE STATE  
31 TREASURER SHALL ADMINISTER THE FUND. MONIES IN THE FUND MAY BE USED ONLY  
32 FOR NONLETHAL DEVICES FOR PEACE OFFICERS THAT DO NOT CAUSE ANY PERMANENT  
33 HARM OR INJURY WHEN USED DURING THE APPREHENSION OF SUSPECTED OFFENDERS.  
34 B. THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND  
35 AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE  
36 CREDITED TO THE FUND.  
37 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
38 35-190 RELATING TO LAPSING OF APPROPRIATIONS AND ARE SUBJECT TO  
39 LEGISLATIVE APPROPRIATION.