

REFERENCE TITLE: **assessment; nonlethal equipment fund**

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

HB 2615

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 SECTIONS 41-1735 AND 41-1736; RELATING
TO DEPARTMENT OF PUBLIC SAFETY.**

(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; nonlethal equipment fund

5 A. IN ADDITION TO ANY OTHER PENALTY ASSESSMENT PROVIDED BY LAW, A
6 PENALTY ASSESSMENT SHALL BE LEVIED IN AN AMOUNT OF \$1 ON EVERY CIVIL
7 PENALTY IMPOSED AND COLLECTED FOR A CIVIL TRAFFIC VIOLATION AND FINE,
8 PENALTY OR FORFEITURE FOR A CRIMINAL VIOLATION OF THE MOTOR VEHICLE
9 STATUTES OR FOR ANY LOCAL ORDINANCE RELATING TO THE STOPPING, STANDING OR
10 OPERATION OF A VEHICLE.

11 B. THE COURT SHALL TRANSMIT THE ASSESSMENTS COLLECTED PURSUANT TO
12 THIS SECTION AND A REMITTANCE REPORT OF THE FINES, CIVIL PENALTIES AND
13 FORFEITURES COLLECTED PURSUANT TO THIS SECTION TO THE COUNTY TREASURER,
14 EXCEPT THAT MUNICIPAL COURTS SHALL TRANSMIT THE ASSESSMENTS AND THE
15 REMITTANCE REPORT OF THE FINES, CIVIL PENALTIES AND FORFEITURES TO THE
16 CITY OR TOWN TREASURER.

17 C. THE CITY, TOWN OR COUNTY TREASURER SHALL TRANSMIT THE ASSESSMENT
18 AND THE REMITTANCE REPORT TO THE STATE TREASURER. THE STATE TREASURER
19 SHALL DEPOSIT THE ASSESSMENT IN THE NONLETHAL EQUIPMENT FUND ESTABLISHED
20 BY SECTION 41-1736.

21 D. THE COURT MAY MITIGATE ALL OR PART OF THE ASSESSMENT IN THE SAME
22 MANNER AND SUBJECT TO THE SAME LIMITATIONS IN THE MITIGATION OF A FINE IN
23 SECTION 13-825, SUBSECTION B.

24 Sec. 2. Title 41, chapter 12, article 2, Arizona Revised Statutes,
25 is amended by adding sections 41-1735 and 41-1736, to read:

26 41-1735. Nonlethal equipment fund advisory commission;
27 membership; duties; recommendations

28 A. THE NONLETHAL EQUIPMENT FUND ADVISORY COMMISSION IS ESTABLISHED
29 CONSISTING OF THE FOLLOWING MEMBERS:

30 1. ONE MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF
31 THE SENATE.

32 2. ONE MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY
33 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

34 3. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR THE
35 DIRECTOR'S DESIGNEE.

36 4. ONE MEMBER WHO IS APPOINTED BY THE ARIZONA ASSOCIATION OF CHIEFS
37 OF POLICE.

38 5. ONE MEMBER WHO IS APPOINTED BY THE ARIZONA SHERIFFS ASSOCIATION.

39 6. ONE MEMBER WHO IS APPOINTED BY THE DIRECTOR OF THE ARIZONA STATE
40 TROOPERS ASSOCIATION.

41 7. ONE MEMBER WHO IS APPOINTED BY THE DIRECTOR OF THE ARIZONA
42 POLICE ASSOCIATION.

43 B. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS
44 4, 5, 6 AND 7 OF THIS SECTION SERVE THREE-YEAR TERMS. THE MEMBERS OF THE
45 COMMISSION SHALL ANNUALLY ELECT A CHAIRPERSON AND VICE CHAIRPERSON FROM

1 AMONG THE VOTING MEMBERS. THE COMMISSION SHALL MEET ON THE CALL OF THE
2 CHAIRPERSON BUT AT LEAST ONCE EACH FISCAL YEAR. NO ACTIONS MAY BE TAKEN
3 WITHOUT A QUORUM PRESENT. MEMBERS WHO ARE APPOINTED PURSUANT TO
4 SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION SHALL SERVE AS ADVISORY
5 NONVOTING MEMBERS OF THE COMMISSION.

6 C. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT MEMBERS WHO
7 ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 4, 5, 6 AND 7 OF THIS
8 SECTION ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38,
9 CHAPTER 4, ARTICLE 2.

10 D. THE ADVISORY COMMISSION MAY USE THE FACILITIES AND THE STAFF OF
11 THE ARIZONA CRIMINAL JUSTICE COMMISSION.

12 E. THE ADVISORY COMMISSION MAY ENTER INTO INTERAGENCY AGREEMENTS
13 WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION AND OTHER AGENCIES FOR
14 ADVISORY COMMISSION BUSINESS.

15 F. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL
16 SUBMIT WRITTEN RECOMMENDATIONS TO THE PRESIDENT OF THE SENATE, THE SPEAKER
17 OF THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE CHAIRPERSONS OF THE
18 SENATE COMMERCE AND PUBLIC SAFETY COMMITTEE AND THE HOUSE OF
19 REPRESENTATIVES JUDICIARY AND PUBLIC SAFETY COMMITTEE, OR THEIR SUCCESSOR
20 COMMITTEES, ON THE ALLOCATION EACH FISCAL YEAR OF MONIES IN THE NONLETHAL
21 EQUIPMENT FUND ESTABLISHED BY SECTION 41-1736. THE COMMISSION SHALL
22 PROVIDE A COPY OF THE RECOMMENDATIONS TO THE SECRETARY OF STATE.

23 41-1736. Nonlethal equipment fund; exemptions

24 A. THE NONLETHAL EQUIPMENT FUND IS ESTABLISHED CONSISTING OF MONIES
25 DEPOSITED PURSUANT TO SECTION 12-116.12. THE STATE TREASURER SHALL
26 ADMINISTER THE FUND. MONIES IN THE FUND MAY BE USED ONLY FOR NONLETHAL
27 EQUIPMENT.

28 B. THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND
29 AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE
30 CREDITED TO THE FUND.

31 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION
32 35-190 RELATING TO LAPSING OF APPROPRIATIONS AND ARE SUBJECT TO
33 LEGISLATIVE APPROPRIATION.