

REFERENCE TITLE: **peace officer nonlethal device fund.**

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1669

Introduced by
Senator Gowan

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.