

PROPOSED

SENATE AMENDMENTS TO H.B. 2326

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 12-114, Arizona Revised Statutes, is amended to
3 read:

4 12-114. Surcharge on court authorized diversion programs for
5 traffic offenses; deposit

6 A. If a court authorizes individuals charged with civil or criminal
7 traffic offenses to attend a court authorized diversion program, including
8 a defensive driving school program, it shall require the assessment of a
9 ~~nine-dollar~~ \$9 surcharge on the fees charged by the court authorized
10 diversion programs. The surcharge applies to every individual who attends
11 a court authorized diversion program, including an individual who holds a
12 commercial driver license.

13 B. A court or a court authorized diversion program shall collect the
14 ~~nine-dollar~~ \$9 surcharge and remit the surcharge to the supreme court,
15 which shall deposit, pursuant to sections 35-146 and 35-147, ~~five-dollars~~
16 \$5 of the surcharge in the judicial collection enhancement fund and the
17 remaining ~~four-dollars~~ \$4 in the peace officer training equipment AND
18 NONLETHAL WEAPONS fund established by section 41-1731.

19 Sec. 2. Section 12-116.10, Arizona Revised Statutes, is amended to
20 read:

21 12-116.10. Assessment; peace officer training equipment and
22 nonlethal weapons fund

23 A. In addition to any other penalty assessment provided by law, a
24 penalty assessment shall be levied in an amount of ~~four-dollars~~ \$4 on every
25 civil penalty imposed and collected for a civil traffic violation and fine,

1 penalty or forfeiture for a criminal violation of the motor vehicle
2 statutes or for any local ordinance relating to the stopping, standing or
3 operation of a vehicle.

4 B. The court shall transmit the assessments collected pursuant to
5 this section and a remittance report of the fines, civil penalties and
6 forfeitures collected pursuant to this section to the county treasurer,
7 except that municipal courts shall transmit the assessments and the
8 remittance report of the fines, civil penalties and forfeitures to the city
9 or town treasurer.

10 C. The city, town or county treasurer shall transmit the assessment
11 and the remittance report to the state treasurer. The state treasurer
12 shall deposit the assessment in the peace officer training equipment **AND**
13 **NONLETHAL WEAPONS** fund established by section 41-1731.

14 D. The court may mitigate all or part of the assessment in the same
15 manner and subject to the same limitations in the mitigation of a fine in
16 section 13-825, subsection B.

17 Sec. 3. Section 41-1731, Arizona Revised Statutes, is amended to
18 read:

19 41-1731. Peace officer training equipment and nonlethal
20 weapons fund; exemptions

21 A. The peace officer training equipment **AND NONLETHAL WEAPONS** fund
22 is established consisting of monies deposited pursuant to sections 12-114
23 and 12-116.10. The state treasurer shall administer the fund. Monies in
24 the fund may be used only for peace officer equipment **AND NONLETHAL WEAPONS**
25 **FOR PEACE OFFICERS.**

26 B. The state treasurer shall invest and divest monies in the fund as
27 provided by section 35-313, and monies earned from investment shall be
28 credited to the fund.

29 C. Monies in the fund:

30 1. Do not revert to the state general fund at the end of the fiscal
31 year.

1 2. Are exempt from the provisions of section 35-190 relating to
2 lapsing of appropriations.

3 3. Are subject to legislative appropriation.

4 Sec. 4. Section 41-1732, Arizona Revised Statutes, is amended to
5 read:

6 41-1732. Peace officer training equipment and nonlethal
7 weapons fund advisory commission; membership;
8 duties; recommendations

9 A. The peace officer training equipment AND NONLETHAL WEAPONS fund
10 advisory commission is established consisting of the following members:

11 1. One member of the senate who is appointed by the president of the
12 senate.

13 2. One member of the house of representatives who is appointed by
14 the speaker of the house of representatives.

15 3. The director of the department of public safety or the director's
16 designee.

17 4. One member who is appointed by the Arizona association of chiefs
18 of police.

19 5. One member who is appointed by the Arizona sheriffs association.

20 6. One member who is appointed by the director of the Arizona state
21 troopers association.

22 7. One member who is appointed by the director of the Arizona police
23 association.

24 B. Members who are appointed pursuant to subsection A, paragraphs 4,
25 5, 6 and 7 of this section serve three-year terms. The members of the
26 commission shall annually elect a chairperson and vice chairperson from
27 among the voting members. The commission shall meet on the call of the
28 chairperson but at least once each fiscal year. No actions may be taken
29 without a quorum present. Members who are appointed pursuant to subsection
30 A, paragraphs 1 and 2 of this section shall serve as advisory nonvoting
31 members of the commission.

1 C. Members are not eligible to receive compensation but members who
2 are appointed pursuant to subsection A, paragraphs 4, 5, 6 and 7 of this
3 section are eligible for reimbursement of expenses pursuant to title 38,
4 chapter 4, article 2.

5 D. The advisory commission may use the facilities and the staff of
6 the Arizona criminal justice commission.

7 E. The advisory commission may enter into interagency agreements
8 with the Arizona criminal justice commission and other agencies for
9 advisory commission business.

10 F. On or before December 1 of each year, the commission shall submit
11 written recommendations to the president of the senate, the speaker of the
12 house of representatives, the governor and the chairpersons of the senate
13 ~~commerce and~~ MILITARY AFFAIRS, public safety AND BORDER SECURITY committee
14 and the house of representatives ~~judiciary~~ MILITARY AFFAIRS and public
15 safety committee, or their successor committees, on the allocation each
16 fiscal year of monies in the peace officer training equipment AND NONLETHAL
17 WEAPONS fund established by section 41-1731. The commission shall provide
18 a copy of the recommendations to the secretary of state."

19 Amend title to conform

JOHN KAVANAGH

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