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**FILED**

**Jane Dee Hull  
Secretary of State**

CHAPTER 189

**SENATE BILL 1243**

AN ACT

AMENDING SECTIONS 36-2023, 41-617, 41-617.01 AND 41-2402, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA DRUG AND GANG PREVENTION RESOURCE CENTER.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2023, Arizona Revised Statutes, is amended to  
3 read:

4 36-2023. Rules of the division

5 A. The division, with the approval of the director, shall adopt and  
6 enforce rules which establish standards for approved public and private  
7 treatment facilities which must be met for a treatment facility to be  
8 approved. The division periodically shall inspect approved facilities at  
9 reasonable times and in a reasonable manner. Each approved public and  
10 private treatment facility shall file with the division on request data,  
11 statistics, schedules or information the division reasonably requires. An  
12 approved facility that without good cause fails to furnish any data,  
13 statistics, schedules or information as requested or that files fraudulent  
14 returns thereof shall be removed from the list of approved treatment  
15 facilities.

16 B. The division in compliance with subsection A shall adopt and may  
17 amend or repeal rules for the acceptance of persons into a treatment program,  
18 in light of the available treatment resources and facilities, with a view to  
19 the early and effective provision of evaluation and treatment for alcoholics  
20 and intoxicated persons. In establishing the rules, the division shall be  
21 guided by the following standards:

22 1. An intoxicated person or person incapacitated by alcohol, who  
23 voluntarily seeks treatment or who is transported to an approved facility by

1 a peace officer or other person, shall be initially brought to and evaluated  
2 at a local alcoholism reception center.

3 2. A person shall receive an initial evaluation.

4 3. A patient shall be initially assigned or transferred to outpatient  
5 treatment or intermediate treatment, unless he is found to require inpatient  
6 treatment.

7 4. A person shall not be denied treatment solely because he has  
8 withdrawn from treatment against medical advice on a prior occasion or  
9 because he has relapsed after earlier treatment.

10 5. An individualized treatment plan shall be prepared and maintained  
11 on a current basis for each patient.

12 6. Provision shall be made for a continuum of coordinated treatment  
13 services, so that a person who leaves the facility or another form of  
14 treatment will have available and utilize other appropriate treatment.

15 C. The division shall:

16 1. Enlist the assistance of all public and private agencies,  
17 organizations and individuals engaged in the prevention of alcoholism and  
18 treatment of alcoholics and intoxicated persons at approved public and  
19 private facilities.

20 2. Cooperate with the state department of corrections in establishing  
21 and conducting programs to provide treatment for alcoholics in penal  
22 institutions and alcoholics on parole or community supervision from penal  
23 institutions at approved public and private facilities.

24 3. Cooperate with the department of education, schools, police  
25 departments, courts and other public and private agencies, organizations and  
26 individuals in establishing programs for the prevention of alcoholism and  
27 treatment of alcoholics and intoxicated persons and in preparing curriculum  
28 materials thereon for use at all levels of school education.

29 4. Specify a uniform method for keeping statistical information by  
30 approved public and private treatment facilities and collect and make  
31 available relevant statistical information including the number of persons  
32 treated, frequency of admission, and readmission and frequency and duration  
33 of treatment.

34 5. Cooperate with the department of transportation in establishing and  
35 conducting programs designed to deal with the problem of persons operating  
36 motor vehicles while intoxicated.

37 6. Prepare an annual report on drug abuse treatment programs in this  
38 state that receive funds from the division to be submitted by January 1 of  
39 each year to the governor, the president of the senate and the speaker of the  
40 house of representatives and to be made available to the general public  
41 through the Arizona drug AND GANG prevention resource center. The report  
42 shall include:

43 (a) The name and location of each program.

44 (b) The amount and sources of funding for each program.

1 (c) The number of clients who received services during the preceding  
2 fiscal year.

3 (d) A description of the demographic characteristics of the client  
4 population served by each program including age groups, gender, and  
5 ethnicity.

6 (e) A description of client problems addressed by the programs  
7 including the types of substances abused.

8 (f) A summary of the numbers and types of services available and  
9 provided during the preceding fiscal year.

10 (g) An evaluation of the results achieved by the programs.

11 Sec. 2. Section 41-617, Arizona Revised Statutes, is amended to read:  
12 41-617. Arizona drug and gang policy council; duties

13 A. An Arizona drug and gang policy council is established which shall  
14 consist of members as follows:

15 1. The governor, who shall serve as chairman.

16 2. The attorney general.

17 3. The director of the department of public safety.

18 4. The director of the department of health services.

19 5. The director of the department of economic security.

20 6. The director of the state department of corrections.

21 7. The state superintendent of public instruction.

22 8. A representative from the Arizona board of regents appointed by its  
23 president.

24 9. A representative from the state board of directors for community  
25 colleges appointed by its chairman.

26 10. A member of the criminal justice commission appointed by its  
27 chairman.

28 11. A member of the drug enforcement task force appointed by the  
29 governor.

30 12. A representative from the business community appointed by the  
31 governor.

32 13. A representative from the league of Arizona cities and towns  
33 appointed by the governor.

34 14. The administrative director of the courts.

35 15. The director of the Arizona health care cost containment system  
36 administration.

37 16. The director of the department of juvenile corrections.

38 17. A representative, appointed by the governor, from a local community  
39 group or neighborhood group that is actively involved in community substance  
40 abuse issues.

41 B. The council shall meet and organize by electing from among its  
42 members such other officers as are deemed necessary or advisable. The  
43 council shall meet at least once during each calendar quarter and  
44 additionally as the chairman deems necessary. Staff and support services as

1 are needed for the administration of the council's activities will be  
2 supplied from those state agencies represented on the council at the  
3 direction of the governor.

4 C. The objective of the council is to foster cooperation among all  
5 state and local governmental entities, neighborhood groups, community  
6 organizations and private groups to ensure the optimal delivery of  
7 educational, treatment and prevention programs that will reduce the  
8 incidences of substance abuse or participation in criminal street gangs as  
9 defined in section 13-105 by children, youth and families.

10 D. The Arizona drug and gang policy council shall:

11 1. Recommend the basis for effective coordination of all state  
12 programs and expenditures, including federal monies, for education,  
13 prevention and treatment relating to alcohol and drug abuse and participation  
14 in criminal street gangs as defined in section 13-105.

15 2. Provide a liaison to community groups and private sector programs  
16 involved in substance abuse and gangs education, prevention and treatment.

17 3. Conduct an annual inventory of publicly supported education,  
18 prevention and treatment programs related to substance abuse AND  
19 PARTICIPATION IN CRIMINAL STREET GANGS in operation in this state to be  
20 submitted by October 31 of each year to the governor, the president of the  
21 senate and the speaker of the house of representatives to be made available  
22 to the general public through the Arizona DRUG AND GANG prevention resource  
23 center. The report shall include:

24 (a) The name, the location and a description of each program.

25 (b) The amount and sources of funding for each program.

26 (c) The agency that administers each program.

27 (d) The type of substance abuse OR GANG ACTIVITY addressed by each  
28 program.

29 (e) The gender of clientele served by each program and whether the  
30 program serves children or adults, or both.

31 4. Evaluate the results achieved by publicly supported education,  
32 treatment and prevention programs and make recommendations to the governor  
33 and the legislature for revising programs or redirecting expenditures to  
34 achieve better use of public resources.

35 5. Evaluate the results achieved by publicly supported education,  
36 prevention and treatment programs that are related to drug related gang  
37 activity in this state and make recommendations to the governor and the  
38 legislature for revising programs or redirecting expenditures to achieve  
39 better use of public resources.

40 6. Oversee the operation of the Arizona DRUG AND GANG prevention  
41 resource center which shall be established and maintained at the direction  
42 of the Arizona drug and gang policy council for the collection, storage and  
43 distribution of information relating to substance abuse and PREVENTION AND

1 TREATMENT PROGRAMS, gang education and prevention and treatment programs and  
2 which shall serve as a referral agency for law enforcement activities.

3 7. Communicate regularly with the statewide chemical abuse prevention  
4 interagency committee and the council on children's behavioral health to  
5 collect statewide lay and professional recommendations for prevention,  
6 education and treatment programs.

7 8. Communicate regularly with the Arizona criminal justice commission  
8 so that programs for education, treatment and prevention are coordinated with  
9 enforcement and related efforts undertaken within the criminal justice  
10 system.

11 E. The Arizona DRUG AND GANG prevention resource center shall be  
12 operated with the full cooperation of all agencies and entities involved in  
13 the organization and maintenance of publicly supported education, prevention  
14 and treatment programs related to substance abuse and gangs.

15 Sec. 3. Section 41-617.01, Arizona Revised Statutes, is amended to  
16 read:

17 41-617.01. Gang and substance abuse prevention and education  
18 fund

19 A. A gang and substance abuse prevention and education fund is  
20 established consisting of monies received from private donations, monies  
21 appropriated by the legislature and monies transmitted to the Arizona drug  
22 and gang policy council by the attorney general pursuant to section  
23 13-2314.01, BY the county attorneys and by political subdivisions pursuant  
24 to section 13-2314.03 for the purposes of gang prevention programs, substance  
25 abuse prevention programs and substance abuse education programs.

26 B. The Arizona drug and gang policy council shall direct the ARIZONA  
27 DRUG AND GANG prevention resource center to allocate monies from the fund for  
28 the purposes of gang prevention, substance abuse prevention and substance  
29 abuse education in accordance with rules adopted by the council. Monies  
30 shall be used to supplement and not to supplant existing funds.

31 C. ANNUALLY BY NOVEMBER 15, THE DRUG AND GANG PREVENTION RESOURCE  
32 CENTER SHALL SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND  
33 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. AT A MINIMUM, THIS REPORT SHALL  
34 INCLUDE INFORMATION REGARDING THE CURRENT AND FUTURE ACTIVITIES OF THE  
35 ARIZONA DRUG AND GANG PREVENTION RESOURCE CENTER, THE SOURCE AND USE OF  
36 MONIES RECEIVED BY THE CENTER TO FUND ITS ACTIVITIES AND RECOMMENDATIONS FOR  
37 ADMINISTRATIVE OR LEGISLATIVE ACTION.

38 Sec. 4. Section 41-2402, Arizona Revised Statutes, is amended to read:  
39 41-2402. Drug and gang enforcement account

40 A. A drug and gang enforcement account is established within the  
41 criminal justice enhancement fund consisting of monies appropriated to the  
42 account by the legislature and any other monies available from other sources,  
43 public or private, to be used for the purpose of enhancing efforts to deter,

1 investigate, prosecute, adjudicate and punish drug offenders and members of  
2 criminal street gangs as defined in section 13-2301.

3 B. The criminal justice commission shall distribute monies from the  
4 drug AND GANG enforcement account in the following manner:

5 1. Up to thirty per cent to fund programs and agencies approved by the  
6 commission to enhance the investigation of drug and gang offenses and related  
7 criminal activity.

8 2. Up to thirty per cent to fund programs and agencies approved by the  
9 commission to enhance the state and county prosecution of drug and gang  
10 offenses and related criminal activity.

11 3. Up to ten per cent to fund programs and agencies approved by the  
12 commission to enhance the city or town prosecution of drug and gang offenses  
13 and related criminal activity.

14 4. Up to thirty per cent to fund programs and agencies approved by the  
15 commission for the purpose of enhancing the ability of the courts to process  
16 drug and gang offenses and related criminal cases, either through the  
17 appointment of judges pro tempore or the establishment of additional  
18 divisions of the courts only for the purposes of this section, enhancing  
19 defense and probation services, including treatment, and funding the drug  
20 testing program.

21 5. Up to thirty per cent to fund programs by county sheriffs, as  
22 approved by the commission, to enhance the jail operations and facilities  
23 available to detain and incarcerate drug offenders and members of criminal  
24 street gangs as defined in section 13-2301.

25 C. Before any monies are expended from the account, the criminal  
26 justice commission shall submit to the joint legislative budget committee a  
27 plan of proposed expenditures from the account and the anticipated fiscal and  
28 operational impact of those expenditures on all state and local agencies.

29 D. Any state agency which receives monies allocated from this account  
30 shall not include such monies as part of its continuation budget base for the  
31 purpose of requesting appropriations for the following fiscal year.

32 E. All the monies allocated from this account shall be dedicated  
33 solely to the purpose of enhancing efforts to deter, investigate, prosecute,  
34 adjudicate and punish drug and gang and related criminal offenders, except  
35 those monies allocated pursuant to subsection H of this section.

36 F. Notwithstanding the limitations prescribed in subsection B of this  
37 section, any federal monies or matching state monies in the drug and gang  
38 enforcement account may only be allocated by the commission pursuant to a  
39 plan approved by the federal government.

40 G. The auditor general shall annually perform a full and complete  
41 audit of the fund or the commission shall annually contract with an  
42 accounting firm to perform the audit and deliver a report to the governor and  
43 the legislature. The audit shall be charged to the drug and gang enforcement  
44 account.

1 H. A resource center fund consisting of monies received pursuant to  
2 section 12-284 is established within the drug and gang enforcement account  
3 to be used solely for the purpose of funding the Arizona drug and gang  
4 prevention resource center. ~~Beginning March 31, 1991,~~ The Arizona criminal  
5 justice commission shall transmit quarterly to the Arizona DRUG AND GANG  
6 prevention resource center the monies collected pursuant to section 12-284,  
7 subsection E for deposit in the resource center fund. Expenditure of the  
8 monies shall be subject to appropriation. Any monies unexpended or  
9 unencumbered on June 30 of each year shall not be subsequently expended or  
10 encumbered unless reappropriated. No monies in the drug and gang enforcement  
11 account except those received pursuant to this subsection shall be used to  
12 fund the Arizona drug and gang prevention resource center. MONIES THAT ARE  
13 RECEIVED BY THE CENTER PURSUANT TO THIS SUBSECTION ARE SUBJECT TO THE  
14 REPORTING REQUIREMENTS PRESCRIBED IN SECTION 41-617.01, SUBSECTION C.

APPROVED BY THE GOVERNOR APRIL 16, 1996

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