

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 185

HOUSE BILL 2003

AN ACT

AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-595.03; AMENDING LAWS 1995, CHAPTER 250, SECTION 20, AS AMENDED BY LAWS 1996, CHAPTER 359, SECTION 9, LAWS 1998, CHAPTER 113, SECTION 61 AND LAWS 1999, CHAPTER 292, SECTION 6; PROVIDING FOR THE CONDITIONAL REPEAL OF SECTION 11-584, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 32, SECTION 4; PROVIDING FOR THE CONDITIONAL REPEAL OF SECTION 13-4518, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 1995, CHAPTER 250, SECTION 4 AND AS AMENDED BY LAWS 1999, CHAPTER 164, SECTION 2; PROVIDING FOR THE CONDITIONAL REPEAL OF SECTION 13-4519, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 1995, CHAPTER 250, SECTION 4; PROVIDING FOR THE CONDITIONAL REPEAL OF SECTION 14-5312, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1999, CHAPTER 83, SECTION 1; PROVIDING FOR THE CONDITIONAL REPEAL OF SECTION 31-502, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 250, SECTION 8; PROVIDING FOR THE CONDITIONAL REPEAL OF SECTION 36-560.01, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 1995, CHAPTER 250, SECTION 14; RELATING TO DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 5.1, article 3, Arizona Revised Statutes,
3 is amended by adding section 36-595.03, to read:

4 36-595.03. Secure facilities; annual review; definition

5 A. THE DIVISION OF DEVELOPMENTAL DISABILITIES IN THE DEPARTMENT SHALL
6 ANNUALLY EVALUATE THE NEED FOR A SECURE FACILITY. THE EVALUATION SHALL
7 IDENTIFY THOSE PERSONS WHO ARE INCOMPETENT TO STAND TRIAL AND A THREAT TO
8 PUBLIC SAFETY AND WHO ARE NOT IN AN OTHERWISE SAFE AND SECURE SETTING. IF
9 THE DIVISION IDENTIFIES AT LEAST TWENTY-FIVE PERSONS WHO MEET THIS CRITERIA,
10 THE DEPARTMENT SHALL REQUEST FUNDING FOR A SECURE FACILITY. THE DIVISION
11 SHALL NOT INCLUDE A PERSON WHO IS ALSO DIAGNOSED WITH A MENTAL HEALTH ILLNESS
12 IN THIS CALCULATION.

13 B. FOR THE PURPOSES OF THIS SECTION, "INCOMPETENT TO STAND TRIAL" AND
14 "THREAT TO PUBLIC SAFETY" HAVE THE SAME MEANING PRESCRIBED IN SECTION
15 13-4501.

16 Sec. 2. Laws 1995, chapter 250, section 20, as amended by Laws 1996,
17 chapter 359, section 9, Laws 1998, chapter 113, section 61 and Laws 1999,
18 chapter 292, section 6, is amended to read:

19 Sec. 20. Delayed effective dates

20 A. Section 3 of this act is effective on October 1, 1995.

21 B. Sections 9 through 13, 15 and 16 of this act are effective on
22 March 1, 1996.

23 C. Sections 1, 4, 5, 8 and 14 are effective on October 1, 2001 2003.

24 Sec. 3. Conditional repeal

25 A. Notwithstanding Laws 1995, chapter 250, section 20, as amended by
26 Laws 1996, chapter 359, section 9, Laws 1998, chapter 113, section 61, Laws
27 1999, chapter 292, section 6 and this act, the following are repealed if
28 monies are not appropriated to the department of economic security in fiscal
29 year 2002-2003 for a separate and secure facility for developmentally
30 disabled individuals:

31 1. Section 11-584, Arizona Revised Statutes, as amended by Laws 2000,
32 chapter 32, section 4.

33 2. Section 13-4518, Arizona Revised Statutes, as added by Laws 1995,
34 chapter 250, section 4 and as amended by Laws 1999, chapter 164, section 2.

35 3. Section 13-4519, Arizona Revised Statutes, as added by Laws 1995,
36 chapter 250, section 4.

37 4. Section 14-5312, Arizona Revised Statutes, as amended by Laws 1999,
38 chapter 83, section 1.

39 5. Section 31-502, Arizona Revised Statutes, as amended by Laws 1995,
40 chapter 250, section 8.

41 6. Section 36-560.01, Arizona Revised Statutes, as added by Laws 1995,
42 chapter 250, section 14.

1 B. If the department of economic security does not receive the
2 appropriation described in subsection A of this section, the director of the
3 department of economic security shall send formal written notice to the
4 executive director of the legislative council that states that the department
5 of economic security did not receive the appropriation.

APPROVED BY THE GOVERNOR APRIL 21, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.

Passed the House February 19, 2001,

Passed the Senate April 16, 2001,

by the following vote: 37 Ayes,
21 Nays, 2 Not Voting

by the following vote: 25 Ayes,
1 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Ass. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____,
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State

H.B. 2003

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

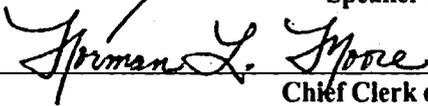
April 18, 2001,

by the following vote: 51 Ayes,

6 Nays, 3 Not Voting



Speaker of the House



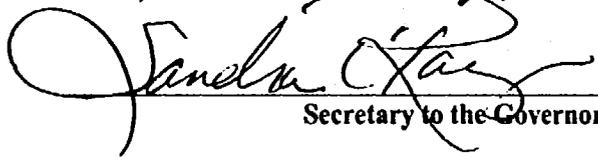
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18 day of April, 2001,

at 11:34 o'clock A M.


Secretary to the Governor

Approved this 21 day of

April, 2001,

at 3:31 o'clock P M.


Governor of Arizona

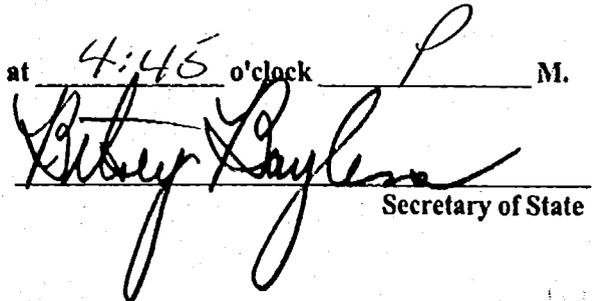
H.B. 2003

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.


Secretary of State