Senate Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 75

SENATE BILL 1029

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1103; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes, is amended by adding section 38-1103, to read:

38-1103. Discipline of law enforcement officers; definitions

A. A LAW ENFORCEMENT OFFICER SHALL NOT BE SUBJECT TO DISCIPLINARY ACTION EXCEPT FOR JUST CAUSE.

B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY LAW ENFORCEMENT OFFICER WHO HAS NOT COMPLETED AN INITIAL PROBATIONARY PERIOD IF A PROBATIONARY PERIOD IS REQUIRED BY THE EMPLOYER OR TO A DISMISSAL THAT IS FOR ADMINISTRATIVE PURPOSES, INCLUDING A REDUCTION IN FORCE.

C. THIS SECTION DOES NOT PREEMPT AGREEMENTS THAT SUPPLANT, REVISE OR OTHERWISE ALTER THE PROVISIONS OF THIS SECTION, INCLUDING PREEXISTING AGREEMENTS, BETWEEN THE EMPLOYER AND THE LAW ENFORCEMENT OFFICER'S LAWFUL REPRESENTATIVE ASSOCIATION.

D. FOR THE PURPOSES OF THIS SECTION:

1. "DISCIPLINARY ACTION" HAS THE SAME MEANING PRESCRIBED IN SECTION 38-1101.

2. "JUST CAUSE" MEANS:

(a) THE EMPLOYER INFORMED THE OFFICER OF THE POSSIBLE DISCIPLINARY ACTION RESULTING FROM THE OFFICER'S CONDUCT THROUGH AGENCY MANUALS, EMPLOYEE HANDBOOKS, THE EMPLOYER'S RULES AND REGULATIONS OR OTHER COMMUNICATIONS TO THE OFFICER OR THE CONDUCT WAS SUCH THAT THE OFFICER SHOULD HAVE REASONABLY KNOWN DISCIPLINARY ACTION COULD OCCUR.

(b) THE DISCIPLINARY ACTION IS REASONABLY RELATED TO THE STANDARDS OF CONDUCT FOR A PROFESSIONAL LAW ENFORCEMENT OFFICER, THE MISSION OF THE AGENCY, THE ORDERLY, EFFICIENT OR SAFE OPERATION OF THE AGENCY OR THE OFFICER'S FITNESS FOR DUTY.

(c) THE DISCIPLINE IS SUPPORTED BY A PREPONDERANCE OF EVIDENCE THAT THE CONDUCT OCCURRED.

(d) THE DISCIPLINE IS NOT EXCESSIVE AND IS REASONABLY RELATED TO THE SERIOUSNESS OF THE OFFENSE AND THE OFFICER'S SERVICE RECORD.

3. "LAW ENFORCEMENT OFFICER" MEANS:

(a) AN INDIVIDUAL WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD, OTHER THAN A PERSON EMPLOYED BY A MULTI-COUNTY WATER CONSERVATION DISTRICT, A RESERVE POLICE OFFICER, A VOLUNTEER OR A PERSON WHO IS OTHERWISE EXEMPTED BY AN EXISTING MERIT SYSTEM.

(b) A CORRECTION OFFICER OR DETENTION OFFICER, EXCLUDING A JUVENILE DETENTION OFFICER, WHO IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

(c) A REGULARLY APPOINTED AND PAID DEPUTY SHERIFF OF A COUNTY.

(d) A REGULARLY EMPLOYED POLICE OFFICER IN A CITY OR TOWN.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.

Passed the House April 8, 2010,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate February 22, 2010,

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of April, 2010,

at 1:25 o'clock P. M.

Secretary to the Governor

Approved this 16th day of

April, 2010,

at 4:25 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 2010,

at 11:40 o'clock a. M.

Secretary of State

S.B. 1029