

Senate Engrossed House Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 303

HOUSE BILL 2613

AN ACT

AMENDING SECTION 41-1822, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA PEACE OFFICERS STANDARDS AND TRAINING BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1822, Arizona Revised Statutes, is amended to
3 read:

4 41-1822. Powers and duties of board; definition

5 A. With respect to peace officer training and certification, the board
6 shall:

7 1. Establish rules for the government and conduct of the board,
8 including meeting times, places and matters to be placed on the agenda of
9 each meeting.

10 2. Make recommendations, consistent with this article, to the
11 governor, the speaker of the house of representatives and the president of
12 the senate on all matters relating to law enforcement and public safety.

13 3. Prescribe reasonable minimum qualifications for officers to be
14 appointed to enforce the laws of this state and the political subdivisions of
15 this state and certify officers in compliance with these qualifications.
16 Notwithstanding any other law, the qualifications shall require United States
17 citizenship, shall relate to physical, mental and moral fitness and shall
18 govern the recruitment, appointment and retention of all agents, peace
19 officers and police officers of every political subdivision of this state.
20 The board shall constantly review the qualifications established by this
21 section and may amend the qualifications at any time, subject to the
22 requirements of section 41-1823.

23 4. Prescribe minimum courses of training and minimum standards for
24 training facilities for law enforcement officers. Only this state and
25 political subdivisions of this state may conduct basic peace officer
26 training. Basic peace officer academies may admit individuals who are not
27 peace officer cadets only if a cadet meets the minimum qualifications
28 established by paragraph 3 of this subsection. Training shall include:

29 (a) Courses in responding to and reporting all criminal offenses that
30 are motivated by race, color, religion, national origin, sexual orientation,
31 gender or disability.

32 (b) Training certified by the director of the department of health
33 services with assistance from a representative of the board on the nature of
34 unexplained infant death and the handling of cases involving the unexplained
35 death of an infant.

36 (c) Medical information on unexplained infant death for first
37 responders, including awareness and sensitivity in dealing with families and
38 child care providers, and the importance of forensically competent death
39 scene investigations.

40 (d) Information on the protocol of investigation in cases of an
41 unexplained infant death, including the importance of a consistent policy of
42 thorough death scene investigation.

43 (e) The use of the infant death investigation checklist pursuant to
44 section 36-2293.

1 (f) If an unexplained infant death occurs, the value of timely
2 communication between the medical examiner's office, the department of health
3 services and appropriate social service agencies that address the issue of
4 infant death and bereavement, to achieve a better understanding of these
5 deaths and to connect families to various community and public health support
6 systems to enhance recovery from grief.

7 5. Recommend curricula for advanced courses and seminars in law
8 enforcement and intelligence training in universities, colleges and community
9 colleges, in conjunction with the governing body of the educational
10 institution.

11 6. Make inquiries to determine whether this state or political
12 subdivisions of this state are adhering to the standards for recruitment,
13 appointment, retention and training established pursuant to this
14 article. The failure of this state or any political subdivision to adhere to
15 the standards shall be reported at the next regularly scheduled meeting of
16 the board for action deemed appropriate by that body.

17 7. Employ an executive director and other staff as are necessary to
18 fulfill the powers and duties of the board in accordance with the
19 requirements of the law enforcement merit system council.

20 B. With respect to state department of corrections correctional
21 officers, the board shall:

22 1. Approve a basic training curriculum of at least two hundred forty
23 hours.

24 2. Establish uniform minimum standards. These standards shall include
25 high school graduation or the equivalent and a physical examination as
26 prescribed by the director of the state department of corrections.

27 3. Establish uniform standards for background investigations,
28 including criminal histories under section 41-1750, of all applicants before
29 enrolling in the academy. The board may adopt special procedures for
30 extended screening and investigations in extraordinary cases to ensure
31 suitability and adaptability to a career as a correctional officer.

32 4. Issue a certificate of completion to any state department of
33 corrections correctional officer who satisfactorily complies with the minimum
34 standards and completes the basic training program. The board may issue a
35 certificate of completion to a state department of corrections correctional
36 officer who has received comparable training in another state if the board
37 determines that the training was at least equivalent to that provided by the
38 academy and if the person complies with the minimum standards.

39 5. Establish continuing training requirements and approve curricula.

40 C. WITH RESPECT TO PEACE OFFICER MISCONDUCT, THE BOARD MAY:

41 1. RECEIVE COMPLAINTS OF PEACE OFFICER MISCONDUCT FROM ANY PERSON,
42 REQUEST LAW ENFORCEMENT AGENCIES TO CONDUCT INVESTIGATIONS AND CONDUCT
43 INDEPENDENT INVESTIGATIONS INTO WHETHER AN OFFICER IS IN COMPLIANCE WITH THE
44 QUALIFICATIONS ESTABLISHED PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS
45 SECTION.

1 2. DENY, SUSPEND, REVOKE, OR CANCEL THE CERTIFICATION OF AN OFFICER
2 WHO IS NOT IN COMPLIANCE WITH THE QUALIFICATIONS ESTABLISHED PURSUANT TO
3 SUBSECTION A, PARAGRAPH 3 OF THIS SECTION.

4 3. RECEIVE A COMPLAINT OF PEACE OFFICER MISCONDUCT FROM THE PRESIDENT
5 OR CHIEF EXECUTIVE OFFICER OF A BOARD RECOGNIZED LAW ENFORCEMENT ASSOCIATION
6 THAT REPRESENTS THE INTERESTS OF CERTIFIED LAW ENFORCEMENT OFFICERS IF THE
7 ASSOCIATION BELIEVES THAT A LAW ENFORCEMENT AGENCY REFUSED TO INVESTIGATE OR
8 MADE FINDINGS THAT ARE CONTRADICTORY TO PRIMA FACIE EVIDENCE OF A VIOLATION
9 OF THE QUALIFICATIONS ESTABLISHED PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF
10 THIS SECTION. IF THE BOARD FINDS THAT THE LAW ENFORCEMENT AGENCY REFUSED TO
11 INVESTIGATE OR MADE FINDINGS THAT CONTRADICTED PRIMA FACIE EVIDENCE OF A
12 VIOLATION OF THE QUALIFICATIONS ESTABLISHED PURSUANT TO SUBSECTION A,
13 PARAGRAPH 3 OF THIS SECTION, THE BOARD SHALL CONDUCT AN INDEPENDENT
14 INVESTIGATION TO DETERMINE WHETHER THE OFFICER IS IN COMPLIANCE WITH THE
15 QUALIFICATIONS ESTABLISHED PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS
16 SECTION AND PROVIDE A LETTER OF THE FINDINGS BASED ON THE INVESTIGATION
17 CONDUCTED BY THE BOARD TO THE PRESIDENT OR CHIEF EXECUTIVE OFFICER OF THE
18 BOARD RECOGNIZED LAW ENFORCEMENT ASSOCIATION WHO MADE THE COMPLAINT.

19 ~~E.~~ D. The board may:

20 1. Deny, suspend, revoke or cancel the certification of an officer who
21 is not in compliance with the qualifications established pursuant to
22 subsection A, paragraph 3 of this section.

23 2. Provide training and related services to assist state, tribal and
24 local law enforcement agencies to better serve the public.

25 3. Enter into contracts to carry out its powers and duties.

26 ~~D.~~ E. This section does not create a cause of action or a right to
27 bring an action, including an action based on discrimination due to sexual
28 orientation.

29 ~~E.~~ F. As used in this section, "sexual orientation" means consensual
30 homosexuality or heterosexuality.

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2011.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 57 Ayes,

3 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
20 day of April, 2011.

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 28th day of

April, 2011,

at 3:04 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2613

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 28th day of April, 2011,

at 4:01 o'clock P. M.

[Signature]
Secretary of State