

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 352

SENATE BILL 1368

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1105; RELATING TO PROBATION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-1105, to read:
4 38-1105. Discipline for probation officers; definitions
5 A. A PROBATION OFFICER SHALL NOT BE SUBJECT TO DISCIPLINARY ACTION
6 EXCEPT FOR JUST CAUSE.
7 B. SUBSECTION A DOES NOT APPLY TO ANY PROBATION OFFICER WHO HAS NOT
8 COMPLETED AN INITIAL PROBATIONARY PERIOD IF A PROBATIONARY PERIOD IS REQUIRED
9 BY THE EMPLOYER OR TO A DISMISSAL THAT IS FOR ADMINISTRATIVE PURPOSES,
10 INCLUDING A REDUCTION IN FORCE.
11 C. FOR THE PURPOSES OF THIS SECTION:
12 1. "DISCIPLINARY ACTION" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 38-1101.
14 2. "JUST CAUSE" MEANS:
15 (a) THE EMPLOYER INFORMED THE PROBATION OFFICER OF THE POSSIBLE
16 DISCIPLINARY ACTION RESULTING FROM THE PROBATION OFFICER'S CONDUCT THROUGH
17 DEPARTMENT MANUALS, EMPLOYEE HANDBOOKS, RULES AND REGULATIONS THAT APPLY TO
18 PROBATION OFFICERS OR OTHER COMMUNICATIONS TO THE PROBATION OFFICER OR THE
19 CONDUCT WAS SUCH THAT THE PROBATION OFFICER SHOULD HAVE REASONABLY KNOWN
20 DISCIPLINARY ACTION COULD OCCUR.
21 (b) THE DISCIPLINARY ACTION IS REASONABLY RELATED TO THE PROFESSIONAL
22 STANDARDS FOR A PROBATION OFFICER, THE MISSION OF THE DEPARTMENT, THE
23 ORDERLY, EFFICIENT OR SAFE OPERATION OF THE DEPARTMENT, THE SAFETY OF THE
24 PUBLIC OR THE PROBATION OFFICER'S FITNESS FOR DUTY.
25 (c) THE DISCIPLINE IS SUPPORTED BY A PREPONDERANCE OF EVIDENCE THAT
26 THE CONDUCT OCCURRED.
27 (d) THE DISCIPLINE IS NOT EXCESSIVE AND IS REASONABLY RELATED TO THE
28 SERIOUSNESS OF THE OFFENSE, THE PROBATION OFFICER'S SERVICE RECORD OR ANY
29 OTHER RELEVANT FACTOR.
30 3. "PROBATION OFFICER" MEANS A PROBATION OFFICER OR SURVEILLANCE
31 OFFICER WHO IS EMPLOYED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS
32 STATE.

APPROVED BY THE GOVERNOR APRIL 29, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House April 18, 2011,

Passed the Senate March 2, 2011,

by the following vote: 57 Ayes,

by the following vote: 26 Ayes,

1 Nays, 2 Not Voting

4 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

[Signature]
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

S.B. 1368

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

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 11

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

Assistant Susan Acosta
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

at 12:00 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 29th day of

April

at 1:50 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of April, 20 11

at 7:30 o'clock P. M.

[Signature]
Secretary of State

S.B. 1368