

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 201

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

HOUSE BILL 2215

AN ACT

AMENDING SECTION 38-1106, ARIZONA REVISED STATUTES; 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. Section 38-1106, Arizona Revised Statutes, is amended to
3 read:

4 38-1106. Law enforcement or probation officers as witnesses;
5 right to representation; confidential information;
6 definitions

7 A. If a law enforcement officer OR PROBATION OFFICER is designated as
8 a witness by the law enforcement officer's OR PROBATION OFFICER'S employer in
9 an investigation that could lead to another law enforcement officer's OR
10 PROBATION OFFICER'S dismissal, demotion or suspension, the witness law
11 enforcement officer OR PROBATION OFFICER may request to have a representative
12 present at no cost to the employer during the witness interview. Unless
13 agreed to by the employer, the representative shall be from the same agency
14 and shall not be an attorney except that if a representative from the same
15 agency is not reasonably available, with the employer's permission, the
16 witness law enforcement officer's OR PROBATION OFFICER'S representative may
17 be from the witness law enforcement officer's OR PROBATION OFFICER'S
18 professional membership organization.

19 B. The witness law enforcement officer OR PROBATION OFFICER shall
20 answer all questions asked by the law enforcement officer's OR PROBATION
21 OFFICER'S department investigator, and information learned during a witness
22 interview is considered proprietary and confidential by the employer and
23 shall remain so until the witness law enforcement officer OR PROBATION
24 OFFICER is served with a notice of investigation by the employer or the
25 witness law enforcement officer OR PROBATION OFFICER is released from the
26 confidentiality requirements of this section.

27 C. The witness law enforcement officer OR PROBATION OFFICER may
28 discuss the law enforcement officer's OR PROBATION OFFICER'S witness
29 interview with the witness law enforcement officer's OR PROBATION OFFICER'S
30 representative or the representative's legal counsel. If the witness law
31 enforcement officer OR PROBATION OFFICER or the witness law enforcement
32 officer's OR PROBATION OFFICER'S representative releases information without
33 authorization, the employer may subject the witness law enforcement officer
34 OR PROBATION OFFICER or the witness law enforcement officer's OR PROBATION
35 OFFICER'S representative to disciplinary action.

36 D. This section does not preempt agreements that supplant, revise or
37 otherwise alter the provisions of this section, including preexisting
38 agreements between the employer and the witness law enforcement officer OR
39 PROBATION OFFICER or the witness law enforcement officer's OR PROBATION
40 OFFICER'S professional membership organization.

41 E. For the purposes of this section: ~~—~~

42 1. "Law enforcement officer" means:

43 ~~±~~ (a) An individual, other than a probationary employee, who is
44 certified by the Arizona peace officer standards and training board, other
45 than a person employed by a multi-county water conservation district.

1 ~~2.~~ (b) A detention officer or ~~correction~~ CORRECTIONS officer, other
2 than a juvenile detention officer or probationary employee, who is employed
3 by this state or a political subdivision of this state.

4 2. "PROBATION OFFICER" MEANS A PROBATION OFFICER OR SURVEILLANCE
5 OFFICER, OTHER THAN A PROBATIONARY EMPLOYEE, WHO IS EMPLOYED BY THIS STATE OR
6 A POLITICAL SUBDIVISION OF THIS STATE.

APPROVED BY THE GOVERNOR APRIL 5, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2012.

Passed the House February 6, 2012

Passed the Senate April 13, 2012

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting
1 vacant

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4 day of April, 2012

at 11:25 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 5th day of

April

at 10:40 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 5th day of April, 2012

at 4:20 o'clock P M.

[Signature]
Secretary of State

H.B. 2215