

Senate Engrossed House Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

CHAPTER 206

## **HOUSE BILL 2307**

AN ACT

AMENDING SECTION 11-362, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 2, ARTICLE 11, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-363; RELATING TO DEFERRED PROSECUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-362, Arizona Revised Statutes, is amended to  
3 read:

4 11-362. Deferred prosecution program; administration;  
5 guidelines; records; reports; technical assistance

6 A. The program, as defined in section 11-361, shall be administered by  
7 the county attorney of each participating county according to guidelines  
8 established by the Arizona prosecuting attorneys' advisory council. THE  
9 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL SHALL MODIFY THE GUIDELINES,  
10 AS NECESSARY, TO CONFORM TO ANY CHANGES THAT ARE MADE TO A STATUTE THAT  
11 AUTHORIZES THE PROGRAM.

12 B. The county attorney of any county that has established a program  
13 shall:

14 1. Establish and maintain statistical records pertaining to the  
15 program ~~and shall~~ INCLUDING:

16 (a) THE NUMBER OF PERSONS WHO WERE ENROLLED IN DEFERRED PROSECUTION  
17 PROGRAMS DURING THE PREVIOUS FISCAL YEAR.

18 (b) THE NUMBER OF PERSONS WHO SUCCESSFULLY COMPLETED DEFERRED  
19 PROSECUTION PROGRAMS DURING THE PREVIOUS FISCAL YEAR.

20 (c) IF AVAILABLE, THE NUMBER OF PERSONS WHO WERE ENROLLED IN DEFERRED  
21 PROSECUTION PROGRAMS DURING THE PREVIOUS FISCAL YEAR AND WHO WERE  
22 SUBSEQUENTLY CONVICTED OF A NEW FELONY OFFENSE.

23 2. Annually submit an evaluation of the program to the president of  
24 the senate, ~~and~~ the speaker of the house of representatives AND THE JOINT  
25 LEGISLATIVE BUDGET COMMITTEE.

26 C. ON REQUEST OF A COUNTY ATTORNEY, THE ARIZONA PROSECUTING ATTORNEYS'  
27 ADVISORY COUNCIL MAY PROVIDE TECHNICAL ASSISTANCE TO THE COUNTY ATTORNEY TO  
28 DEVELOP OR REFINE THE COUNTY ATTORNEY'S DEFERRED PROSECUTION PROGRAM.

29 Sec. 2. Title 11, chapter 2, article 11, Arizona Revised Statutes, is  
30 amended by adding section 11-363, to read:

31 11-363. County attorney deferred prosecution fund

32 A. EACH COUNTY MAY ESTABLISH A COUNTY ATTORNEY DEFERRED PROSECUTION  
33 FUND CONSISTING OF THE FOLLOWING MONIES:

34 1. COUNTY GENERAL FUND APPROPRIATIONS.

35 2. FEDERAL MONIES THAT ARE APPROPRIATED FOR DEFERRED PROSECUTION  
36 PROGRAMS.

37 3. GRANTS, GIFTS, DEVISES AND DONATIONS FROM ANY PUBLIC OR PRIVATE  
38 SOURCE.

39 B. MONIES IN THE FUND SHALL BE USED AT THE DISCRETION OF THE COUNTY  
40 ATTORNEY FOR ADMINISTERING DEFERRED PROSECUTION PROGRAMS ESTABLISHED PURSUANT  
41 TO SECTION 11-361.

~~APPROVED BY THE GOVERNOR APRIL 23, 2014.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.~~

Passed the House March 6, 2014

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate April 17, 2014

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2307

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 21, 2014,

by the following vote: 55 Ayes,

0 Nays, 5 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  
22 day of April, 2014,

at 8:30 o'clock A M.

  
Secretary to the Governor

Approved this 23<sup>rd</sup> day of

April, 2014,

at 11:45 o'clock A M.

  
Governor of Arizona

H.B. 2307

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 24<sup>th</sup> day of April, 2014,

at 8:57 o'clock a M.

  
Secretary of State