

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 39

# **HOUSE BILL 2183**

AN ACT

AMENDING SECTIONS 13-2505 AND 32-2811, ARIZONA REVISED STATUTES; RELATING TO  
INMATE CONTRABAND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2505, Arizona Revised Statutes, is amended to  
3 read:

4 13-2505. Promoting prison contraband; exceptions; x-radiation;  
5 body scans; classification

6 A. A person, not otherwise authorized by law, commits promoting prison  
7 contraband:

8 1. By knowingly taking contraband into a correctional facility or the  
9 grounds of a correctional facility; or

10 2. By knowingly conveying contraband to any person confined in a  
11 correctional facility; or

12 3. By knowingly making, obtaining or possessing contraband while being  
13 confined in a correctional facility or while being lawfully transported or  
14 moved incident to correctional facility confinement.

15 B. Any person who has reasonable grounds to believe there has been a  
16 violation or attempted violation of this section shall immediately report the  
17 violation or attempted violation to the official in charge of the facility or  
18 to a peace officer.

19 C. Notwithstanding any law to the contrary, any person WHO IS  
20 convicted of a violation of this section ~~shall be~~ IS prohibited from  
21 ~~employment~~ BEING EMPLOYED by this state or any of its agencies or political  
22 subdivisions until the person's civil rights have been restored pursuant to  
23 chapter 9 of this title.

24 D. This section does not apply to any of the following:

25 1. A prisoner who possesses or carries any tool, instrument or  
26 implement used by him at the direction or with the permission of prison  
27 officials.

28 2. Contraband located at the place where a person is on home arrest.

29 3. Contraband authorized by the correctional facility policies and  
30 used at the direction or with the permission of prison officials.

31 E. The state department of corrections OR A COUNTY JAIL may request a  
32 licensed practitioner AS DEFINED IN SECTION 32-2801 to order that x-radiation  
33 be performed on any inmate if there is reason to believe the inmate is in  
34 possession of any contraband ~~as defined in section 13-2501.~~

35 F. THE STATE DEPARTMENT OF CORRECTIONS OR A COUNTY JAIL, IN COMPLIANCE  
36 WITH GENERALLY ACCEPTED HEALTH AND SAFETY STANDARDS, MAY PERFORM A BODY SCAN  
37 OF AN INMATE BY USING LOW-DOSE IONIZING RADIATION WITHOUT AN ORDER FROM A  
38 LICENSED PRACTITIONER TO PREVENT ANY CONTRABAND FROM ENTERING INTO A  
39 CORRECTIONAL FACILITY.

40 ~~F.~~ G. Promoting prison contraband if the contraband is a deadly  
41 weapon, dangerous instrument or explosive is a class 2 felony. Promoting  
42 prison contraband if the contraband is a dangerous drug, narcotic drug or  
43 marijuana is a class 2 felony. In all other cases promoting prison  
44 contraband is a class 5 felony. Failure to report a violation or attempted  
45 violation of this section is a class 5 felony.

1           Sec. 2. Section 32-2811, Arizona Revised Statutes, is amended to read:  
2           32-2811. Prohibitions and limitations; exceptions

3           A. No person may use ionizing radiation on a human being unless the  
4 person is a licensed practitioner or the holder of a certificate as provided  
5 in this chapter.

6           B. A person holding a certificate may use ionizing radiation on human  
7 beings only for diagnostic or therapeutic purposes while operating in each  
8 particular case at the direction of a licensed practitioner. The application  
9 of ionizing radiation and the direction to apply ionizing radiation are  
10 limited to those persons or parts of the human body specified in the law  
11 under which the practitioner is licensed. The provisions of the  
12 technologist's certificate govern the extent of application of ionizing  
13 radiation.

14           C. Nothing in the provisions of this chapter relating to technologists  
15 shall be construed to limit, enlarge or affect in any respect the practice of  
16 their respective professions by duly licensed practitioners.

17           D. The requirement of a certificate shall not apply to:

18           1. A hospital resident specializing in radiology who is not a licensed  
19 practitioner in this state or a student enrolled in and attending a school or  
20 college of medicine, osteopathy, podiatry, dentistry, ~~naturopathy~~  
21 NATUROPATHIC MEDICINE, chiropractic or radiologic technology who applies  
22 ionizing radiation to a human being while under the specific direction of a  
23 licensed practitioner.

24           2. A person engaged in performing the duties of a technologist in ~~such~~  
25 THAT person's employment by an agency, bureau or division of the government  
26 of the United States.

27           3. Dental hygienists licensed in the state of Arizona and dental  
28 assistants holding a valid certificate in dental radiology from a course  
29 approved by the ~~Arizona~~ state board of dental examiners.

30           4. Persons providing assistance during an ionizing radiation  
31 procedure, apart from such procedures conducted in a health care institution,  
32 under the direction of a person licensed for the use of an ionizing radiation  
33 machine.

34           5. A PERSON WHO IS EMPLOYED BY OR ACTING ON BEHALF OF THE STATE  
35 DEPARTMENT OF CORRECTIONS OR A COUNTY JAIL AND WHO USES A LOW-DOSE IONIZING  
36 RADIATION BODY SCANNING DEVICE TO DETECT CONTRABAND, AS DEFINED IN SECTION  
37 13-2501, IN OR ON AN INMATE.

38           E. The provisions of subsection B of this section do not apply to  
39 ionizing radiation ordered by a licensed practitioner for other than  
40 diagnostic or therapeutic purposes pursuant to section 13-2505, subsection E.

APPROVED BY THE GOVERNOR MARCH 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 18, 2016.

Passed the House February 18, 2016

Passed the Senate March 15, 2016

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Pro Tempore  
Norma Chastain  
Asst. Chief Clerk of the House

[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. 2183

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

March 16, 2016,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
Jim Doherty Pro Tempore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
16th day of March, 2016.

at 4:02 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 17th day of

March, 2016,

at 12:37 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2183

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 18 day of March, 2016

at 9:11 o'clock A. M.

[Signature]  
Secretary of State