

House Engrossed Senate Bill

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 103**

**SENATE BILL 1031**

AN ACT

ESTABLISHING A STUDY COMMITTEE ON INCOMPETENT, NONRESTORABLE AND DANGEROUS  
DEFENDANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Study committee on incompetent, nonrestorable and  
3 dangerous defendants; membership; powers and  
4 duties; report; delayed repeal

5 A. The study committee on incompetent, nonrestorable and dangerous  
6 defendants is established consisting of the following members:

7 1. Two members of the senate who are appointed by the president of  
8 the senate and who are members of different political parties. The  
9 president of the senate shall designate one of these members to serve as  
10 cochairperson of the committee.

11 2. Two members of the house of representatives who are appointed by  
12 the speaker of the house of representatives and who are members of  
13 different political parties. The speaker of the house of representatives  
14 shall designate one of these members to serve as cochairperson of the  
15 committee.

16 3. The director of the department of health services or the  
17 director's designee.

18 4. The chief executive officer of the Arizona state hospital or the  
19 chief executive officer's designee.

20 5. The director of the Arizona health care cost containment system  
21 or the director's designee.

22 6. Two county attorneys, or the applicable county attorney's  
23 designee, one of whom is from a county with a population of one million  
24 two hundred thousand persons or more and one of whom is from a county with  
25 a population of less than one million two hundred thousand persons. The  
26 Arizona prosecuting attorneys' advisory council shall appoint these  
27 members.

28 7. The chief justice of the supreme court or the chief justice's  
29 designee.

30 8. An administrator of a jail-based restoration to competency  
31 program from a county that is not represented by a member appointed  
32 pursuant to paragraph 6 of this subsection, or the administrator's  
33 designee. The governor shall appoint this member.

34 9. A private attorney who has experience in behavioral health law.  
35 The president of the senate shall appoint this member.

36 10. A psychiatrist or psychologist who is licensed pursuant to  
37 title 32, Arizona Revised Statutes, and who has experience with  
38 court-ordered evaluation and treatment. The speaker of the house of  
39 representatives shall appoint this member.

40 11. An administrator of an in-patient psychiatric facility or the  
41 administrator's designee. The president of the senate shall appoint this  
42 member.

43 12. A peace officer who has experience with behavioral health  
44 programs. The speaker of the house of representatives shall appoint this  
45 member.

1           13. One member who has experience in health policy. The governor  
2 shall appoint this member.

3           14. One member who has experience in policy related to services for  
4 persons with developmental disabilities. The governor shall appoint this  
5 member.

6           B. The committee shall research and make recommendations for a  
7 program to provide short-term and long-term treatment and supervision of  
8 persons who have been charged with crimes involving violent or dangerous  
9 behavior and who have been found incompetent and nonrestorable pursuant to  
10 title 13, chapter 41, Arizona Revised Statutes, including:

11           1. The legal and administrative framework of such a program.

12           2. The number of people who might be eligible for such a program.

13           3. The types of facilities, staffing and treatment services that  
14 would be necessary for such a program.

15           4. The costs associated with the establishment, administration and  
16 staffing of such a program.

17           5. A review of other state's programs that deal with the population  
18 of incompetent, nonrestorable and dangerous defendants.

19           6. Arizona specific solutions that are based on the review of  
20 programs included in paragraph 5 of this subsection.

21           C. The committee may request information, data and reports from any  
22 state agency or political subdivision of this state, including the courts.  
23 The state agencies and political subdivisions shall provide the  
24 information electronically, if possible.

25           D. The committee may hold hearings, conduct fact-finding tours and  
26 take testimony from witnesses, including participants in the criminal  
27 justice system, who may assist the committee in fulfilling the committee's  
28 responsibilities. All of the committee's hearings shall be open to the  
29 public.

30           E. The legislature shall provide staff and support services to the  
31 committee.

32           F. Committee members are not eligible to receive compensation.

33           G. The committee shall submit a report regarding the committee's  
34 findings and recommendations on or before December 31, 2017 to the  
35 governor, the president of the senate and the speaker of the house of  
36 representatives and shall provide a copy of this report to the secretary  
37 of state.

38           H. This section is repealed from and after June 30, 2018.

**APPROVED BY THE GOVERNOR MARCH 29, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2017.**

Passed the House March 20, 2017,

Passed the Senate February 2, 2017,

by the following vote: 51 Ayes,

by the following vote: 30 Ayes,

6 Nays, 3 Not Voting

9 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
*Pro Tempore*

[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 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

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

S.B. 1031

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 28, 20 17

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Steven B. Gallegos  
President of the Senate

Suzanne Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

28 day of March, 20 17

at 3:00 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

March, 2017

at 0:12 o'clock P. M.

Doug Ducey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29 day of March, 20 17

at 4:59 o'clock P. M.

Michele Reagan  
Secretary of State