

Senate Engrossed House Bill

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 250
HOUSE BILL 2243

AN ACT

AMENDING SECTIONS 13-2314.01 AND 13-2314.03, ARIZONA REVISED STATUTES;
RELATING TO FORFEITURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2314.01, Arizona Revised Statutes, is amended
3 to read:

4 13-2314.01. Anti-racketeering revolving fund; use of fund;
5 reports

6 A. The anti-racketeering revolving fund is established. The
7 attorney general shall administer the fund under the conditions and for
8 the purposes provided by this section. Monies in the fund are exempt from
9 the lapsing provisions of section 35-190.

10 B. Any prosecution and investigation costs, including attorney
11 fees, recovered for the state by the attorney general as a result of
12 enforcement of civil and criminal statutes pertaining to any offense
13 included in the definition of racketeering in section 13-2301, subsection
14 D, paragraph 4 or section 13-2312, whether by final judgment, settlement
15 or otherwise, shall be deposited in the fund established by this section.

16 C. Any monies received by any department or agency of this state or
17 any political subdivision of this state from any department or agency of
18 the United States or another state as a result of participation in any
19 investigation or prosecution, whether by final judgment, settlement or
20 otherwise, shall be deposited in the fund established by this section or,
21 if the recipient is a political subdivision of this state, may be
22 deposited in the fund established by PURSUANT TO section 13-2314.03.

23 D. Any monies obtained as a result of a forfeiture by any
24 department or agency of this state under this title or under federal law
25 shall be deposited in the fund established by this section. Any monies or
26 other property obtained as a result of a forfeiture by any political
27 subdivision of this state or the federal government may be deposited in
28 the fund established by this section. Monies deposited in the fund
29 pursuant to this section or section 13-4315 shall accrue interest and
30 shall be held for the benefit of the agency or agencies responsible for
31 the seizure or forfeiture to the extent of their contribution. Except as
32 provided in subsections F and G of this section, the monies and interest
33 shall be distributed within thirty days of application to the agency or
34 agencies responsible for the seizure or forfeiture. Monies in the fund
35 used by the attorney general for capital projects in excess of one million
36 dollars are subject to review by the joint committee on capital review.

37 E. Monies in the fund may be used for the following:

38 1. The funding of gang prevention programs, substance abuse
39 prevention programs, substance abuse education programs, programs that
40 provide assistance to victims of a criminal offense that is listed in
41 section 13-2301 and witness protection pursuant to section 41-196 or for
42 any purpose permitted by federal law relating to the disposition of any
43 property that is transferred to a law enforcement agency.

1 2. The investigation and prosecution of any offense included in the
2 definition of racketeering in section 13-2301, subsection D, paragraph 4
3 or section 13-2312, including civil enforcement.

4 3. The payment of the relocation expenses of any law enforcement
5 officer and the officer's immediate family if the law enforcement officer
6 is the victim of a bona fide threat that occurred because of the law
7 enforcement officer's duties.

8 F. On or before January ~~15~~ 28, April ~~15~~ 28, July ~~15~~ 28 and
9 October ~~15~~ 28 of each year, each department or agency of this state
10 receiving monies pursuant to this section or section 13-2314.03 or 13-4315
11 or from any department or agency of the United States or another state as
12 a result of participation in any investigation or prosecution shall file
13 with the attorney general, the board of supervisors if the sheriff
14 received the monies and the city or town council if the ~~city~~ CITY'S or
15 town's department received the monies a report for the previous calendar
16 quarter. The report shall be in ~~a~~ AN ELECTRONIC form that is prescribed
17 by the Arizona criminal justice commission and approved by the director of
18 the joint legislative budget committee. The report shall set forth the
19 sources of all monies and all expenditures. The report shall not include
20 any identifying information about specific investigations. If a
21 department or agency of this state fails to file a report within
22 forty-five days after the report is due and there is no good cause as
23 determined by the Arizona criminal justice commission, the attorney
24 general shall make no expenditures from the fund for the benefit of the
25 department or agency until the report is filed. The attorney general is
26 responsible for collecting all reports from departments and agencies of
27 this state and transmitting the reports to the Arizona criminal justice
28 commission at the time that the report required pursuant to subsection G
29 of this section is submitted.

30 G. On or before ~~January 25, April 25, July 25 and October 25~~
31 FEBRUARY 21, MAY 21, AUGUST 21 AND NOVEMBER 21 of each year, the attorney
32 general shall file with the Arizona criminal justice commission a report
33 for the previous calendar quarter. The report shall be in ~~a~~ AN
34 ELECTRONIC form that is prescribed by the Arizona criminal justice
35 commission and approved by the director of the joint legislative budget
36 committee. The report shall set forth the sources of all monies and all
37 expenditures. The report shall not include any identifying information
38 about specific investigations. If the attorney general fails to file a
39 report within sixty days after the report is due and there is no good
40 cause as determined by the Arizona criminal justice commission, the
41 attorney general shall make no expenditures from the fund for the benefit
42 of the attorney general until the report is filed. If a political
43 subdivision of this state fails to file a report with the county attorney
44 pursuant to section 13-2314.03 within forty-five days after the report is
45 due and there is no good cause as determined by the Arizona criminal

1 justice commission, the attorney general shall make no expenditures from
2 the fund for the benefit of the political subdivision until the report is
3 filed.

4 H. On or before ~~September 30~~ THE LAST DAY OF FEBRUARY, MAY, AUGUST
5 AND NOVEMBER of each year, the Arizona criminal justice commission shall
6 compile the attorney general report and the reports of all departments and
7 agencies of this state into a single comprehensive report FOR THE PREVIOUS
8 CALENDAR QUARTER and shall submit ~~a~~ AN ELECTRONIC copy of the report to
9 the governor, the director of the department of administration, the
10 president of the senate, the speaker of the house of representatives, the
11 director of the joint legislative budget committee and the secretary of
12 state.

13 Sec. 2. Section 13-2314.03, Arizona Revised Statutes, is amended to
14 read:

15 13-2314.03. County anti-racketeering revolving fund; use of
16 fund; reports

17 A. The board of supervisors of a county shall establish a county
18 anti-racketeering revolving fund administered by the county attorney under
19 the conditions and for the purposes provided by this section.

20 B. Any prosecution and investigation costs, including attorney
21 fees, recovered for the county as a result of enforcement of civil and
22 criminal statutes pertaining to any offense included in the definition of
23 racketeering in section 13-2301, subsection D, paragraph 4 or section
24 13-2312, whether by final judgment, settlement or otherwise, shall be
25 deposited in the fund established by the board of supervisors.

26 C. Any monies received by any department or agency of this state or
27 any political subdivision of this state from any department or agency of
28 the United States or another state as a result of participation in any
29 investigation or prosecution, whether by final judgment, settlement or
30 otherwise, shall be deposited in the fund established ~~by~~ PURSUANT TO this
31 section or in the fund established by section 13-2314.01.

32 D. Any monies obtained as a result of a forfeiture by the county
33 attorney under this title or under federal law shall be deposited in the
34 fund established ~~by~~ PURSUANT TO this section. Any monies or other
35 property obtained as a result of a forfeiture by any political subdivision
36 of this state or the federal government may be deposited in the fund
37 established ~~by~~ PURSUANT TO this section or in the fund established by
38 section 13-2314.01. Monies deposited in the fund pursuant to this section
39 or section 13-4315 shall accrue interest and shall be held for the benefit
40 of the agency or agencies responsible for the seizure or forfeiture to the
41 extent of their contribution. Except as provided in subsections F and G
42 of this section, the monies and interest shall be distributed to the
43 agency or agencies responsible for the seizure or forfeiture within thirty
44 days of application.

1 E. Monies in the fund may be used for the funding of gang
2 prevention programs, substance abuse prevention programs, substance abuse
3 education programs, programs that provide assistance to victims of a
4 criminal offense that is listed in section 13-2301 and witness protection
5 pursuant to section 11-536 or for any purpose permitted by federal law
6 relating to the disposition of any property that is transferred to a law
7 enforcement agency. Monies in the fund may be used for the investigation
8 and prosecution of any offense included in the definition of racketeering
9 in section 13-2301, subsection D, paragraph 4 or section 13-2312,
10 including civil enforcement.

11 F. On or before ~~January 25, April 25, July 25 and October 25~~
12 FEBRUARY 21, MAY 21, AUGUST 21 AND NOVEMBER 21 of each year, the county
13 attorney shall ~~cause to be filed~~ FILE with the Arizona criminal justice
14 commission a report for the previous calendar quarter. The report shall
15 be in ~~a~~ AN ELECTRONIC form that is prescribed by the Arizona criminal
16 justice commission and approved by the director of the joint legislative
17 budget committee. The report shall set forth the sources of all monies
18 and all expenditures. The report shall not include any identifying
19 information about specific investigations. If the county attorney fails
20 to file a report within sixty days after it is due and there is no good
21 cause as determined by the Arizona criminal justice commission, the county
22 attorney shall make no expenditures from the fund for the benefit of the
23 county attorney until the report is filed.

24 G. On or before January ~~15~~ 28, April ~~15~~ 28, July ~~15~~ 28 and
25 October ~~15~~ 28 of each year, each political subdivision of this state
26 receiving monies pursuant to this section or section 13-2314.01 or 13-4315
27 or from any department or agency of the United States or another state as
28 a result of participating in any investigation or prosecution shall ~~cause~~
29 ~~to be filed~~ FILE with the board of supervisors of the county in which the
30 political subdivision is located, each city or town council in which the
31 political subdivision is located and the county attorney of the county in
32 which the political subdivision is located a report for the previous
33 calendar quarter. The report shall be in ~~a~~ AN ELECTRONIC form that is
34 prescribed by the Arizona criminal justice commission and approved by the
35 director of the joint legislative budget committee. The report shall set
36 forth the sources of all monies and all expenditures. The report shall
37 not include any identifying information about specific investigations. If
38 a political subdivision of this state fails to file a report within
39 forty-five days after the report is due and there is no good cause as
40 determined by the Arizona criminal justice commission, the county attorney
41 shall make no expenditures from the fund for the benefit of the political
42 subdivision until the report is filed. The county attorney shall be
43 responsible for collecting all reports from political subdivisions within
44 that county and transmitting the reports to the Arizona criminal justice

1 commission at the time that the county report required pursuant to
2 subsection F of this section is submitted.

3 H. On or before ~~September 30~~ THE LAST DAY OF FEBRUARY, MAY, AUGUST
4 AND NOVEMBER of each year, the Arizona criminal justice commission shall
5 compile all county attorney reports into a single comprehensive report FOR
6 THE PREVIOUS CALENDAR QUARTER and all political subdivision reports into a
7 single comprehensive report FOR THE PREVIOUS CALENDAR QUARTER and submit
8 ~~a~~ AN ELECTRONIC copy of each comprehensive report to the governor, the
9 president of the senate, the speaker of the house of representatives, the
10 director of the joint legislative budget committee and the secretary of
11 state.

12 Sec. 3. Effective date

13 This act is effective from and after September 30, 2017.

APPROVED BY THE GOVERNOR MAY 2, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.

Passed the House February 22, 20 17

Passed the Senate March 29, 2017

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Pro Tempore

[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

_____ 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. 2243

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

_____ April 26 , 20 17 ,

by the following vote: _____ 54 _____ Ayes,

_____ 0 _____ Nays, _____ 6 _____ Not Voting

Speaker of the House
Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
26th day of April , 2017 ,

at _____ 11:56 o'clock _____ A M.

Secretary to the Governor

Approved this _____ 2nd _____ day of

_____ May _____ , 20 17 ,

at _____ 9:41 o'clock _____ A. M.

Governor of Arizona

H.B. 2243

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ 2 _____ day of May , 20 17 ,

at _____ 12:35 o'clock _____ P _____ M.

Secretary of State