



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

May 3, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on May 3, 2018:

SB 1520 general appropriations act; 2018-2019
SB 1522 capital outlay; appropriations; 2018-2019
SB 1523 criminal justice; budget reconciliation; 2018-2019
SB 1524 budget procedures; budget reconciliation; 2018-2019
SB 1525 environment; budget reconciliation; 2018-2019
SB 1527 higher education; budget reconciliation; 2018-2019
SB 1528 higher education; budget reconciliation; 2018-2019
SB 1529 revenues; budget reconciliation; 2018-2019
HB 2659 health; budget reconciliation; 2018-2019
HB 2663 K-12 education; budget reconciliation; 2018-2019

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed
FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 278

SENATE BILL 1523

AN ACT

AMENDING SECTIONS 12-128, 31-238, 41-191.03 AND 41-191.09, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2403; APPROPRIATING MONIES; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-128, Arizona Revised Statutes, is amended to
3 read:

4 12-128. Salary of judges; payment by state and counties

5 Judges of the superior court shall each receive an annual salary
6 pursuant to section 41-1904, which is payable one-half by this state and
7 one-half by the counties respectively, except that in counties with a
8 population of more than two million persons, ~~beginning~~ in:

9 1. Fiscal year 2010-2011 THROUGH FISCAL YEAR 2018-2019, the county
10 shall pay one hundred ~~per cent~~ PERCENT of the annual salary.

11 2. FISCAL YEAR 2019-2020, THE COUNTY SHALL PAY SEVENTY-FIVE PERCENT
12 OF THE ANNUAL SALARY AND THIS STATE SHALL PAY TWENTY-FIVE PERCENT OF THE
13 ANNUAL SALARY.

14 3. FISCAL YEAR 2020-2021 AND EACH FISCAL YEAR THEREAFTER, THE
15 COUNTY SHALL PAY FIFTY PERCENT OF THE ANNUAL SALARY AND THIS STATE SHALL
16 PAY FIFTY PERCENT OF THE ANNUAL SALARY.

17 Sec. 2. Section 31-238, Arizona Revised Statutes, is amended to
18 read:

19 31-238. Incarceration costs; setoff

20 A. The director of the state department of corrections shall
21 establish a ~~per annum~~ AN ANNUAL cost of incarceration for any person WHO
22 IS convicted in a state court and committed to the state department of
23 corrections.

24 B. This cost of incarceration shall reflect the amount of dollars
25 ~~the~~ THIS state ~~expended~~ SPENT in behalf of the prisoner and shall ~~be the~~
26 ~~equivalent to~~ EQUAL the average cost of one year's incarceration, and the
27 director shall credit or debit a prorated portion of the cost of
28 incarceration with respect to any such person incarcerated for three
29 hundred thirty-four or fewer days in a given fiscal year.

30 C. The calculation of the number of days of incarceration in a
31 given fiscal year for the purpose of such A fee shall include time served
32 ~~prior to~~ BEFORE conviction.

33 D. ~~The state shall have~~ THIS STATE HAS the right to set off the
34 cost of incarceration calculated under subsection A OF THIS SECTION at any
35 time and without prior notice against any claim made by or monetary
36 obligation owed to a person for whom a cost of incarceration can be
37 calculated, except that twenty ~~per cent~~ PERCENT of any claim or monetary
38 obligation ~~shall be~~ IS exempt from ~~the provisions of~~ this section.

39 E. Based on the average annual cost of incarceration for the
40 previous three years, ~~the~~ THIS state may set off a sum to cover the
41 minimum future incarceration that a person will serve but must tender to
42 the person ~~upon his~~ ON release the difference between the AMOUNT OF monies
43 set off and the actual cost of incarceration, if any.

1 F. If a person for whom a cost of incarceration can be calculated
2 obtains a monetary judgment against ~~the~~ THIS state and the attorney
3 general appears and exercises the rights of this section, any monies set
4 off against the monetary judgment shall be distributed as follows:

5 1. Seventy ~~per cent~~ PERCENT of the monies set off shall be
6 ~~transmitted to~~ DEPOSITED IN the state general fund.

7 2. Thirty ~~per cent~~ PERCENT of the monies shall ~~go~~ BE TRANSMITTED to
8 the office of the attorney general to cover the costs associated with
9 litigation.

10 ~~G. On or before the fifteenth day of January and July of each year,~~
11 ~~the attorney general shall file with the president of the senate, the~~
12 ~~speaker of the house of representatives, the chairman of the senate and~~
13 ~~house appropriations committees, and the director of the joint legislative~~
14 ~~budget committee, a full and complete account of receipts and~~
15 ~~disbursements resulting from actions taken pursuant to subsection F for~~
16 ~~the previous six months.~~

17 Sec. 3. Section 41-191.03, Arizona Revised Statutes, is amended to
18 read:

19 41-191.03. Collection enforcement revolving fund; disposition
20 of monies

21 A. The collection enforcement revolving fund is established for the
22 purpose of collecting debts owed to the state. Monies in the fund are
23 subject to legislative appropriation. The attorney general shall
24 administer the fund.

25 B. The attorney general may expend from the collection enforcement
26 revolving fund ~~such~~ THE monies ~~as~~ THAT are necessary for operating
27 expenses incurred by the department of law and the collection of debts
28 owed to this state, including reimbursing other accounts or departments
29 within the office of the attorney general from which monies or services
30 for collection were provided.

31 C. Thirty-five ~~per cent~~ PERCENT of all monies recovered by the
32 attorney general pursuant to section 41-191.04 shall be deposited,
33 pursuant to sections 35-146 and 35-147, in the collection enforcement
34 revolving fund.

35 D. Sixty-five ~~per cent~~ PERCENT of all monies recovered by the
36 attorney general pursuant to section 41-191.04 shall be distributed as
37 follows:

38 1. Those monies that are directly attributable to a fund containing
39 monies that do not revert to the state general fund at the end of the
40 fiscal year shall be deposited, pursuant to sections 35-146 and 35-147, in
41 that fund.

42 2. All other monies shall be deposited, pursuant to sections 35-146
43 and 35-147, in the state general fund.

1 E. Monies in the collection enforcement revolving fund are exempt
2 from the lapsing provisions of section 35-190 RELATING TO LAPSING OF
3 APPROPRIATIONS, except that monies remaining in the fund at the end of
4 each fiscal year in excess of ~~five hundred thousand~~ ONE MILLION dollars
5 shall be distributed on a pro rata basis to the funds receiving monies
6 pursuant to subsection D of this section. ~~Such~~ THIS distribution shall be
7 based on the percentage that the collections deposited in each fund bear
8 to the total amount deposited ~~into~~ IN the funds during the fiscal year.

9 F. Notwithstanding anything in subsections B through E of this
10 section, monies due and owing pursuant to section 12-116.01 and collected
11 by the attorney general shall be distributed as follows:

12 1. Twenty ~~per cent~~ PERCENT of all monies recovered by the attorney
13 general pursuant to section 41-191.04 shall be deposited, pursuant to
14 sections 35-146 and 35-147, in the collection enforcement revolving fund.

15 2. Eighty ~~per cent~~ PERCENT of all monies recovered by the attorney
16 general pursuant to section 41-191.04 shall be deposited, pursuant to
17 sections 35-146 and 35-147, in the criminal justice enhancement fund
18 established by section 41-2401.

19 Sec. 4. Section 41-191.09, Arizona Revised Statutes, is amended to
20 read:

21 41-191.09. Attorney general legal services cost allocation
22 fund; contributions; exemptions

23 A. The attorney general legal services cost allocation fund is
24 established for the purpose of reimbursing the department of law for
25 general agency counsel. Monies in the fund are subject to legislative
26 appropriation. The attorney general shall administer the fund.

27 B. Except as provided in subsection E of this section, each state
28 agency or department may be charged for general agency counsel provided by
29 the department of law. The amount, if any, shall be specified annually in
30 the general appropriations act.

31 ~~C. On or before September 1 of each year, each state agency or~~
32 ~~department shall submit a report to the joint legislative budget committee~~
33 ~~that identifies the funding sources for the monies to be deposited~~
34 ~~pursuant to this section.~~ The funding sources FOR THE MONIES TO BE
35 DEPOSITED PURSUANT TO THIS SECTION may not include the state general fund,
36 federal funds or other funds that are legally restricted from making such
37 payments.

38 D. A claim for the legal services cost allocation payment shall be
39 submitted according to the fund source to the department of administration
40 for deposit in the attorney general legal services cost allocation fund.

41 E. The following agencies are exempt from this section:

- 42 1. The department of water resources.
- 43 2. The residential utility consumer office.
- 44 3. The industrial commission.
- 45 4. The universities and the Arizona board of regents.

- 1 5. The auditor general.
- 2 6. The corporation commission.
- 3 7. The office of the governor.
- 4 8. The department of law.
- 5 9. The house of representatives.
- 6 10. The senate.
- 7 11. The joint legislative budget committee.
- 8 12. The Arizona state library, archives and public records.
- 9 13. The legislative council.
- 10 14. The department of administration risk management fund.
- 11 15. The department of transportation.
- 12 16. The Arizona game and fish department.
- 13 17. The department of economic security.
- 14 18. The Arizona health care cost containment system.
- 15 19. The superior court.
- 16 20. The court of appeals.
- 17 21. The supreme court.
- 18 22. The Arizona department of agriculture and councils that receive
19 administrative and budgetary services from the Arizona department of
20 agriculture.
- 21 23. All self-supporting regulatory agencies as determined pursuant
22 to section 35-143.01.
- 23 24. The Arizona commerce authority.
- 24 25. The department of child safety.
- 25 F. Monies in the attorney general legal services cost allocation
26 fund are exempt from lapsing to the state general fund at the end of each
27 fiscal year.
- 28 Sec. 5. Title 41, chapter 21, article 1, Arizona Revised Statutes,
29 is amended by adding section 41-2403, to read:
30 41-2403. Designated state administering agency for federal
31 Edward Byrne memorial justice assistance grants;
32 report
- 33 A. THE ARIZONA CRIMINAL JUSTICE COMMISSION IS THIS STATE'S
34 DESIGNATED STATE ADMINISTERING AGENCY FOR THE FEDERAL EDWARD BYRNE
35 MEMORIAL JUSTICE ASSISTANCE GRANT THAT IS ADMINISTERED BY THE UNITED
36 STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF
37 JUSTICE PROGRAMS.
- 38 B. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL SUBMIT A COPY OF
39 THE FEDERAL APPLICATION FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
40 MONIES TO THE JOINT LEGISLATIVE BUDGET COMMITTEE FOR REVIEW AT LEAST
41 THIRTY DAYS BEFORE THE FEDERAL APPLICATION FOR THE GRANT IS SUBMITTED.
- 42 Sec. 6. GIITEM fund; county sheriff allocation; fiscal year
43 2018-2019
- 44 Notwithstanding section 41-1724, subsection C, Arizona Revised
45 Statutes, in fiscal year 2018-2019, of the monies deposited in the gang

1 and immigration intelligence team enforcement mission fund established by
2 section 41-1724, Arizona Revised Statutes, after allocation of the first
3 \$500,000 to the county sheriff of a county with a population of less than
4 five hundred thousand persons but more than three hundred thousand
5 persons, \$400,000 shall be allocated in fiscal year 2018-2019 to the
6 county sheriff of a county with a population of less than two million
7 persons but more than eight hundred thousand persons.

8 Sec. 7. State department of corrections; budget structure

9 Notwithstanding any other law, the state department of corrections
10 shall report actual fiscal year 2017-2018, estimated fiscal year 2018-2019
11 and requested fiscal year 2019-2020 expenditures in the same structure and
12 detail as the prior fiscal year when the department submits the fiscal
13 year 2019-2020 budget request pursuant to section 35-113, Arizona Revised
14 Statutes. The information submitted for each line item shall contain as
15 much detail as submitted in previous years for prior line items.

16 Sec. 8. GIITEM border security and law enforcement
17 subaccount; expenditure plan; review

18 Notwithstanding section 41-1724, subsection G, Arizona Revised
19 Statutes, before the department of public safety spends any monies
20 appropriated in the general appropriations act for fiscal year 2018-2019
21 from the gang and immigration intelligence team enforcement mission border
22 security and law enforcement subaccount established by section 41-1724,
23 Arizona Revised Statutes, the department shall submit the subaccount's
24 entire expenditure plan to the joint legislative budget committee for
25 review.

26 Sec. 9. GIITEM border security and law enforcement
27 subaccount; use; fiscal year 2018-2019

28 Notwithstanding section 41-1724, subsection E, Arizona Revised
29 Statutes, the department of public safety may use up to \$148,700 of the
30 amount appropriated in the fiscal year 2018-2019 general appropriations
31 act from the gang and immigration intelligence team enforcement mission
32 border security and law enforcement subaccount established by section
33 41-1724, Arizona Revised Statutes, in fiscal year 2018-2019 for costs
34 related to an increase in the public safety personnel retirement system
35 employer contribution rate.

36 Sec. 10. Department of public safety; state aid to indigent
37 defense fund; concealed weapons permit fund;
38 fiscal year 2018-2019

39 Notwithstanding sections 11-588 and 41-1722, Arizona Revised
40 Statutes, the department of public safety may use monies in the state aid
41 to indigent defense fund established by section 11-588, Arizona Revised
42 Statutes, and the concealed weapons permit fund established by section
43 41-1722, Arizona Revised Statutes, in fiscal year 2018-2019 for operating
44 expenses.

1 Sec. 11. Legislative intent; county contribution amount for
2 committed youth in secure care facilities

3 It is the intent of the legislature that the amount of the annual
4 committed youth confinement cost sharing fee that the director of the
5 department of juvenile corrections must assess to each county for
6 committed youth in secure care facilities pursuant to section 41-2832,
7 Arizona Revised Statutes, is each county's proportional share of
8 \$11,260,000, using population data from the most recent United States
9 decennial census.

10 Sec. 12. Department of public safety; Arizona highway patrol
11 fund; fiscal year 2018-2019

12 Notwithstanding section 41-1752, Arizona Revised Statutes, the
13 department of public safety may use the amount appropriated to the
14 department of public safety in fiscal year 2018-2019 from the Arizona
15 highway patrol fund established by section 41-1752, Arizona Revised
16 Statutes, to update the criminal justice information system.

17 Sec. 13. Department of public safety; public safety equipment
18 fund; fiscal year 2018-2019

19 Notwithstanding section 41-1723, Arizona Revised Statutes, the
20 department of public safety may use the amount appropriated to the
21 department of public safety in fiscal year 2018-2019 from the public
22 safety equipment fund established by section 41-1723, Arizona Revised
23 Statutes, to update the microwave backbone statewide communication system.

24 Sec. 14. Department of emergency and military affairs;
25 military installation fund; fiscal year 2018-2019

26 Notwithstanding section 26-262, Arizona Revised Statutes, the
27 department of emergency and military affairs may use up to \$1,250,000 in
28 the military installation fund established by section 26-262, Arizona
29 Revised Statutes, in fiscal year 2018-2019 to construct a readiness
30 center.

31 Sec. 15. Attorney general; consumer restitution and
32 remediation revolving fund; fiscal year 2018-2019

33 Notwithstanding section 44-1531.02, Arizona Revised Statutes, the
34 attorney general may use the amount appropriated to the attorney general
35 in fiscal year 2018-2019 from the consumer remediation subaccount of the
36 consumer restitution and remediation revolving fund established by section
37 44-1531.02, Arizona Revised Statutes, to upgrade the attorney general's
38 case management information technology system and for licensing
39 compliance.

40 Sec. 16. Attorney general; consumer restitution and
41 remediation revolving fund; fiscal year 2020-2021

42 Notwithstanding section 44-1531.02, Arizona Revised Statutes, the
43 attorney general may use \$1,400,000 from the consumer remediation
44 subaccount of the consumer restitution and remediation revolving fund

1 established by section 44-1531.02, Arizona Revised Statutes, for general
2 operating expenses in fiscal year 2020-2021.

3 Sec. 17. Supreme court; juvenile probation services fund;
4 alternative dispute resolution fund; drug
5 treatment and education fund; Arizona lengthy
6 trial fund; fiscal years 2018-2019 and 2019-2020

7 Notwithstanding sections 8-322, 12-135, 13-901.02 and 21-222,
8 Arizona Revised Statutes, in fiscal years 2018-2019 and 2019-2020 the
9 supreme court may use up to \$3,150,000 over the combined fiscal years to
10 design, implement and upgrade a new appellate case management system. The
11 total monies allocated by this section may not exceed \$3,150,000. The
12 supreme court may use monies in any of the following funds for the
13 purposes of the new appellate case management system:

14 1. The juvenile probation services fund established by section
15 8-322, Arizona Revised Statutes.

16 2. The alternative dispute resolution fund established by section
17 12-135, Arizona Revised Statutes.

18 3. The drug treatment and education fund established by section
19 13-901.02, Arizona Revised Statutes.

20 4. The Arizona lengthy trial fund established by section 21-222,
21 Arizona Revised Statutes.

22 Sec. 18. Department of public safety; concealed weapons
23 permit fund; fiscal year 2018-2019

24 Notwithstanding section 41-1722, Arizona Revised Statutes, the
25 department of public safety may use monies in the concealed weapons permit
26 fund established by section 41-1722, Arizona Revised Statutes, in fiscal
27 year 2018-2019 for expenses of the Arizona peace officer standards and
28 training board.

29 Sec. 19. Department of public safety; drug and gang
30 prevention resource center fund; fiscal year
31 2018-2019

32 Notwithstanding section 41-2402, Arizona Revised Statutes, the
33 department of public safety may use the amount appropriated to the
34 department of public safety in fiscal year 2018-2019 from the drug and
35 gang prevention resource center fund established by section 41-2402,
36 Arizona Revised Statutes, for the pharmaceutical diversion and drug theft
37 task force.

38 Sec. 20. Department of public safety; highway monies; limit

39 Notwithstanding section 28-6537, Arizona Revised Statutes, the
40 statutory caps and transfers of Arizona highway user revenue fund monies
41 available to fund department of public safety highway patrol costs may not
42 exceed \$16,000,000 for fiscal year 2018-2019.

1 Sec. 21. Appropriation; Arizona criminal justice commission;
2 criminal case statistics study; exemption

3 A. A onetime sum of \$200,000 is appropriated from the drug and gang
4 prevention resource center fund established by section 41-2402, Arizona
5 Revised Statutes, in fiscal year 2018-2019 to the Arizona criminal justice
6 commission for distribution to the Yavapai county attorney's office and
7 the Pinal county attorney's office to cover the cost associated with the
8 criminal case statistics study.

9 B. The appropriation made in subsection A of this section is exempt
10 from the provisions of section 35-190, Arizona Revised Statutes, relating
11 to lapsing of appropriations.

12 Sec. 22. Criminal case statistics study; county attorneys;
13 public website posting; requirements; delayed
14 repeal; definitions

15 A. Beginning January 1, 2019, on the first day of each month for
16 twelve consecutive months, the county attorney in Yavapai county and the
17 county attorney in Pinal county shall post the following information for
18 the previous month on the prosecutor's public website or on the public
19 website of an affiliated association:

20 1. The respective aggregate number of misdemeanor and felony cases
21 by individual defendant:

22 (a) That are indicted by the prosecutor's office.

23 (b) That are resolved by the prosecutor's office through a plea
24 agreement. If resolved through a plea agreement, the prosecutor shall
25 post the aggregate number of cases in which the defendant either:

26 (i) Plead guilty.

27 (ii) Plead no contest.

28 (c) That are presented for bench or jury trial consideration,
29 excluding prior conviction trials.

30 (d) In which a first-time felony offender received a sentence of:

31 (i) Less than one year of imprisonment.

32 (ii) One year or more but less than three years of imprisonment.

33 (iii) Three years or more but less than five years of imprisonment.

34 (iv) Five years or more but less than ten years of imprisonment.

35 (v) Ten years or more of imprisonment.

36 (e) In which a repetitive offender received a sentence of:

37 (i) Less than one year of imprisonment.

38 (ii) One year or more but less than three years of imprisonment.

39 (iii) Three years or more but less than five years of imprisonment.

40 (iv) Five years or more but less than ten years of imprisonment.

41 (v) Ten years or more of imprisonment.

42 2. For each individual defendant's indicted case, a breakdown of
43 each offense charged and whether that offense was charged as a misdemeanor
44 or felony.

1 3. For each misdemeanor and felony offense that was charged in each
2 individual defendant's case:

3 (a) Whether the offense was resolved by plea agreement.

4 (b) If the offense was resolved by plea agreement, whether the
5 defendant pleaded guilty or no contest.

6 (c) Whether the offense was presented for bench or jury trial
7 consideration, excluding prior conviction trials.

8 (d) The verdict on each misdemeanor and felony charge that was
9 submitted for bench or jury trial consideration.

10 (e) The final sentence entered on each charge.

11 (f) Any changes that were mandated by an appellate court to a final
12 sentence that was entered by a justice or superior court.

13 4. For each individual defendant's case, whether the defendant has
14 previously been charged with a felony in this state and, if the defendant
15 has previously been charged with a felony in this state, how many prior
16 felony charges in this state.

17 5. For each individual defendant's case in which the defendant has
18 a prior felony conviction, a description of each prior felony conviction.

19 6. The amount, as recorded by the arresting officer, that was the
20 basis for the following charges:

21 (a) Possession or use of marijuana or a dangerous or narcotic drug.

22 (b) Possession for sale of marijuana or a dangerous or narcotic
23 drug.

24 (c) Possession of equipment or chemicals, or both, for the purpose
25 of manufacturing a dangerous or narcotic drug.

26 (d) Manufacturing a dangerous or narcotic drug.

27 (e) Administering a dangerous or narcotic drug to another person.

28 (f) Obtaining or procuring the administration of a dangerous or
29 narcotic drug by fraud, deceit, misrepresentation or subterfuge.

30 (g) Transporting for sale, importing into this state or offering to
31 transport for sale or import into this state, selling, transferring or
32 offering to sell or transfer marijuana or a dangerous or narcotic drug.

33 7. For each misdemeanor and felony case, each individual
34 defendant's:

35 (a) Age.

36 (b) Race or ethnicity.

37 (c) Declared gender.

38 B. The information required by this section must be accessible by
39 the public and remain on the prosecutor's public website in perpetuity.

40 C. This section is repealed from and after June 30, 2020.

41 D. For the purposes of this section:

42 1. "Consideration" means that a jury was empaneled and sworn in to
43 consider the charges or, in the case of a bench trial, at least one
44 witness testified.

45 2. "Prosecutor" means a county attorney.

Passed the House May 3, 2018,

Passed the Senate May 3, 2018,

by the following vote: 36 Ayes,

by the following vote: 16 Ayes,

23 Nays, 1 Not Voting

13 Nays, 1 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3rd day of May, 2018,

at 3:28 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 3rd day of

May, 2018,

at 5:07 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 2018,

at 5:58 o'clock P. M.

[Signature]
Secretary of State

S.B. 1523