



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 16, 2018

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

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on May 16, 2018:

- HB 2088 pupils; concussions; parental notification (Carter)
- HB 2197 health professionals; workforce data (Carter)
- HB 2209 internet protocol; corporation commission (Grantham)
- HB 2212 firearm possession; peace officers; definition (Thorpe)
- HB 2235 dental therapy; regulation; licensure (Thorpe)
- HB 2253 schools; exchange teachers; employment duration (Carter)
- HB 2307 scrap vehicles; sales (Campbell)
- HB 2310 underground storage tanks; reimbursement claims (Bowers)
- HB 2324 community health workers; voluntary certification (Carter)
- HB 2356 juvenile court; jurisdiction; age (Bowers)
- HB 2383 HOV lanes; emergency vehicles (Clodfelter)
- HB 2384 unlawful flight; vehicle impoundment (Clodfelter)
- HB 2414 state employee health plan; incentives (Kern)
- HB 2416 appropriation; study; prime contracting classification (Cobb)
- HB 2422 personal delivery devices (Townsend)
- HB 2455 commercial vehicles definition; driver licenses (Cook)
- HB 2510 auto dealers; task force; fund (John)

HB 2520 schools; reading requirement (Coleman)  
HB 2522 traffic violations; penalties (Syms)  
HB 2526 career technical education districts (Clodfelter)  
HB 2527 ticket surcharge; public safety equipment (Clodfelter)  
HB 2529 assisted living; referrals; disclosure (Campbell)  
HB 2532 occupational regulation; municipalities; counties; hearings (Payne)  
HB 2534 teachers; certification requirements (Carter)  
HB 2538 U.S. House vacancy; special election (Coleman)  
HB 2564 court fees; EORP; state contribution (Livingston)  
HB 2589 department of gaming omnibus (Cook)  
HB 2596 property taxes; procedures; abatement (Toma)  
HB 2648 ballot measures; paid circulator definition (Leach)  
HB 2649 public meetings; recordings; posting; definition (Grantham)  
HB 2650 commercial license; defensive driving school (Toma)  
HB 2651 landlord tenant; security deposits (Toma)  
HB 2652 electric bicycles; definition; use (Allen, J.)  
HB 2653 expenditure limitation; waiver of penalties (Cobb)  
HB 2654 illegal substances education; partnership (Thorpe)  
HB 2655 real estate licenses; online classes (Mosley)  
HB 2656 electronic wills and trusts (Leach)  
HB 2657 interscholastic activities; health dangers; information (Carter)  
SB 1039 appropriation; Arizona water protection fund (Griffin)  
SB 1140 certificates of authority; video service (Griffin)  
SB 1167 merit council; law enforcement qualifications (Griffin)  
SB 1181 corporation commission; railway safety inspectors (Griffin)  
SB 1245 appropriation; SNAP; benefit match; produce (Brophy McGee)  
SB 1254 school district consolidation (Allen, S.)  
SB 1271 construction liability; apportionment; study (Fann)  
SB 1273 administrative proceedings; rules; contested cases (Petersen)  
SB 1293 department of revenue; administrative efficiency (Farnsworth, D.)  
SB 1296 government communications; emergency response interpreters (Bowie)  
SB 1398 unemployment; return-to-work program; suitable work (Smith)  
SB 1409 TPT; prime contracting; alteration; replacement (Fann)  
SB 1476 county sheriff; reentry planning; appropriation (Gray)  
SB 1478 employer contributions; EORP (Fann)  
SB 1496 prisoners; drug sentences; out-of-custody treatment (Smith)  
SB 1498 AZPOST; membership; training; AMBER alert (Smith)

SB 1504 developmental disability rates; appropriation (Smith)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large initial 'D' and a prominent 'A'.

Douglas A. Ducey  
Governor  
State of Arizona

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

Conference Engrossed  
**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

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

**CHAPTER 345**

# **SENATE BILL 1498**

AN ACT

AMENDING SECTIONS 41-1821 AND 41-1822, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 41-1821, Arizona Revised Statutes, is amended to  
3 read:

4 41-1821. Arizona peace officer standards and training board;  
5 membership; appointment; term; vacancies;  
6 meetings; compensation; acceptance of grants

7 A. ~~Am~~ THE Arizona peace officer standards and training board is  
8 established ~~that~~ AND consists of thirteen members appointed by the  
9 governor. The membership shall include:

10 1. Two sheriffs, one appointed from a county having a population of  
11 two hundred thousand or more persons and the remaining sheriff appointed  
12 from a county having a population of less than two hundred thousand  
13 persons.

14 2. Two chiefs of city police, one appointed from a city having a  
15 population of sixty thousand or more persons and the remaining chief  
16 appointed from a city having a population of less than sixty thousand  
17 persons.

18 3. A college faculty member in public administration or a related  
19 field.

20 4. The attorney general.

21 5. The director of the department of public safety.

22 6. The director of the state department of corrections.

23 7. One member who is employed in administering county or municipal  
24 correctional facilities.

25 8. Two certified law enforcement officers ~~with~~ WHO HAVE KNOWLEDGE  
26 OF AND EXPERIENCE IN REPRESENTING PEACE OFFICERS IN DISCIPLINARY CASES.  
27 ONE OF THE CERTIFIED LAW ENFORCEMENT OFFICERS MUST HAVE a rank of  
28 ~~patrolman or sergeant, with one appointed from a county sheriff's office~~  
29 ~~and the other from a city police department~~ OFFICER AND THE OTHER MUST  
30 HAVE A RANK OF DEPUTY. ONE OF THE APPOINTED OFFICERS MUST BE FROM A  
31 COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS.

32 9. Two public members.

33 B. Before appointment by the governor, a prospective member of the  
34 board shall submit a full set of fingerprints to the governor for the  
35 purpose of obtaining a state and federal criminal records check pursuant  
36 to section 41-1750 and Public Law 92-544. The department of public safety  
37 may exchange this fingerprint data with the federal bureau of  
38 investigation.

39 C. The governor shall appoint a chairman from among the members at  
40 its first meeting and every year thereafter, except that an ex officio  
41 member shall not be appointed chairman. The governor shall not appoint  
42 more than one member from the same law enforcement agency. No board  
43 member who was qualified when appointed becomes disqualified unless the  
44 member ceases to hold the office that qualified the member for  
45 appointment.

1 D. Meetings shall be held at least quarterly or on the call of the  
2 chairman or by the written request of five members of the board or by the  
3 governor. A vacancy on the board shall occur when a member except an ex  
4 officio member is absent without the permission of the chairman from three  
5 consecutive meetings. The governor may remove a member except an ex  
6 officio member for cause.

7 E. The term of each regular member ~~shall be~~ IS three years unless a  
8 member vacates the public office that qualified the member for this  
9 appointment.

10 F. The board members are not eligible to receive per diem but are  
11 eligible to receive reimbursement for travel expenses pursuant to title  
12 38, chapter 4, article 2.

13 G. On behalf of the board, the executive director may seek and  
14 accept contributions, grants, gifts, donations, services or other  
15 financial assistance from any individual, association, corporation or  
16 other organization having an interest in police training, and from the  
17 United States of America and any of its agencies or instrumentalities,  
18 corporate or otherwise. Only the executive director of the board may seek  
19 monies pursuant to this subsection. Such monies shall be deposited in the  
20 fund created by section 41-1825.

21 H. Membership on the board shall not constitute the holding of an  
22 office, and members of the board shall not be required to take and file  
23 oaths of office before serving on the board. No member of the board shall  
24 be disqualified from holding any public office or employment nor shall  
25 such member forfeit any such office or employment by reason of such  
26 member's appointment, notwithstanding the provisions of any general,  
27 special or local law, ordinance or city charter.

28 Sec. 2. Section 41-1822, Arizona Revised Statutes, is amended to  
29 read:

30 41-1822. Powers and duties of board; definition

31 A. With respect to peace officer training and certification, the  
32 board shall:

33 1. Establish rules for the government and conduct of the board,  
34 including meeting times and places and matters to be placed on the agenda  
35 of each meeting.

36 2. Make recommendations, consistent with this article, to the  
37 governor, the speaker of the house of representatives and the president of  
38 the senate on all matters relating to law enforcement and public safety.

39 3. Prescribe reasonable minimum qualifications for officers to be  
40 appointed to enforce the laws of this state and the political subdivisions  
41 of this state and certify officers in compliance with these  
42 qualifications. Notwithstanding any other law, the qualifications shall  
43 require United States citizenship, shall relate to physical, mental and  
44 moral fitness and shall govern the recruitment, appointment and retention  
45 of all agents, peace officers and police officers of every political

1 subdivision of this state. The board shall constantly review the  
2 qualifications established by this section and may amend the  
3 qualifications at any time, subject to the requirements of section  
4 41-1823.

5 4. Prescribe minimum courses of training and minimum standards for  
6 training facilities for law enforcement officers. Only this state and  
7 political subdivisions of this state may conduct basic peace officer  
8 training. Basic peace officer academies may admit individuals who are not  
9 peace officer cadets only if a cadet meets the minimum qualifications  
10 established by paragraph 3 of this subsection. Training shall include:

11 (a) Courses in responding to and reporting all criminal offenses  
12 that are motivated by race, color, religion, national origin, sexual  
13 orientation, gender or disability.

14 (b) Training certified by the director of the department of health  
15 services with assistance from a representative of the board on the nature  
16 of unexplained infant death and the handling of cases involving the  
17 unexplained death of an infant.

18 (c) Medical information on unexplained infant death for first  
19 responders, including awareness and sensitivity in dealing with families  
20 and child care providers, and the importance of forensically competent  
21 death scene investigations.

22 (d) Information on the protocol of investigation in cases of an  
23 unexplained infant death, including the importance of a consistent policy  
24 of thorough death scene investigation.

25 (e) The use of the infant death investigation checklist pursuant to  
26 section 36-3506.

27 (f) If an unexplained infant death occurs, the value of timely  
28 communication between the medical examiner's office, the department of  
29 health services and appropriate social service agencies that address the  
30 issue of infant death and bereavement, to achieve a better understanding  
31 of these deaths and to connect families to various community and public  
32 health support systems to enhance recovery from grief.

33 5. Recommend curricula for advanced courses and seminars in law  
34 enforcement and intelligence training in universities, colleges and  
35 community colleges, in conjunction with the governing body of the  
36 educational institution.

37 6. Make inquiries to determine whether this state or political  
38 subdivisions of this state are adhering to the standards for recruitment,  
39 appointment, retention and training established pursuant to this article.  
40 The failure of this state or any political subdivision to adhere to the  
41 standards shall be reported at the next regularly scheduled meeting of the  
42 board for action deemed appropriate by that body.

43 7. Employ an executive director and other staff as are necessary to  
44 fulfill the powers and duties of the board in accordance with the  
45 requirements of the law enforcement merit system council.

1 B. With respect to state department of corrections correctional  
2 officers, the board shall:

3 1. Approve a basic training curriculum of at least two hundred  
4 forty hours.

5 2. Establish uniform minimum standards. These standards shall  
6 include high school graduation or the equivalent and a physical  
7 examination as prescribed by the director of the state department of  
8 corrections.

9 3. Establish uniform standards for background investigations,  
10 including criminal histories under section 41-1750, of all applicants  
11 before enrolling in the academy. The board may adopt special procedures  
12 for extended screening and investigations in extraordinary cases to ensure  
13 suitability and adaptability to a career as a correctional officer.

14 4. Issue a certificate of completion to any state department of  
15 corrections correctional officer who satisfactorily complies with the  
16 minimum standards and completes the basic training program. The board may  
17 issue a certificate of completion to a state department of corrections  
18 correctional officer who has received comparable training in another state  
19 if the board determines that the training was at least equivalent to that  
20 provided by the academy and if the person complies with the minimum  
21 standards.

22 5. Establish continuing training requirements and approve  
23 curricula.

24 C. With respect to peace officer misconduct, the board may:

25 1. Receive complaints of peace officer misconduct from any person,  
26 request law enforcement agencies to conduct investigations and conduct  
27 independent investigations into whether an officer is in compliance with  
28 the qualifications established pursuant to subsection A, paragraph 3 of  
29 this section.

30 2. Receive a complaint of peace officer misconduct from the  
31 president or chief executive officer of a board recognized law enforcement  
32 association that represents the interests of certified law enforcement  
33 officers if the association believes that a law enforcement agency refused  
34 to investigate or made findings that are contradictory to prima facie  
35 evidence of a violation of the qualifications established pursuant to  
36 subsection A, paragraph 3 of this section. If the board finds that the  
37 law enforcement agency refused to investigate or made findings that  
38 contradicted prima facie evidence of a violation of the qualifications  
39 established pursuant to subsection A, paragraph 3 of this section, the  
40 board shall conduct an independent investigation to determine whether the  
41 officer is in compliance with the qualifications established pursuant to  
42 subsection A, paragraph 3 of this section and provide a letter of the  
43 findings based on the investigation conducted by the board to the  
44 president or chief executive officer of the board recognized law  
45 enforcement association who made the complaint.

1 D. The board may:

2 1. Deny, suspend, revoke or cancel the certification of an officer  
3 who is not in compliance with the qualifications established pursuant to  
4 subsection A, paragraph 3 of this section.

5 2. Provide training and related services to assist state, tribal  
6 and local law enforcement agencies to better serve the public, INCLUDING  
7 TRAINING FOR EMERGENCY ALERT NOTIFICATION SYSTEMS.

8 3. Enter into contracts to carry out its powers and duties.

9 E. This section does not create a cause of action or a right to  
10 bring an action, including an action based on discrimination due to sexual  
11 orientation.

12 F. For the purposes of this section, "sexual orientation" means  
13 consensual homosexuality or heterosexuality.

14 Sec. 3. Department of public safety; facilitation of the  
15 AMBER Alert in Indian Country; emergency alert  
16 notifications

17 A. The department of public safety shall assist an Indian tribe in  
18 this state in implementing and testing an AMBER alert notification system  
19 that is established or maintained with the authorization included in and  
20 benefits made available to Indian nations by federal law. The Arizona  
21 peace officer standards and training board may provide training for AMBER  
22 alert notification systems pursuant to section 41-1822, subsection D,  
23 paragraph 2, Arizona Revised Statutes.

24 B. The department of public safety shall comply with and assist in  
25 the dissemination of an emergency alert notification, including a regional  
26 AMBER alert communication originating from an Indian tribe, that complies  
27 with any dissemination requirements included in state and federal law for  
28 federally authorized emergency alert systems.

29 Sec. 4. Short title

30 This act may be cited as the "Ashlyne Mike AMBER Alert on Tribal  
31 Lands Act".

**APPROVED BY THE GOVERNOR MAY 16, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018**

Passed the House March 28, 20 18,

Passed the Senate March 5, 20 18,

by the following vote: 56 Ayes,

by the following vote: 27 Ayes,

2 Nays, 2 Not Voting

2 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[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~~

S.B. 1498

~~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~~

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 30, 20 18,  
by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 26, 20 18,  
by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

[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 18 day of May, 20 18,

at 10:01 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 16<sup>th</sup> day of

May, 20 18,

at 9:41 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of May, 20 18,

at 4:34 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1498