



Bill Number: H.B. 2018

Gray Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Legislative Council – Steve Primack

## FLOOR AMENDMENT EXPLANATION

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- **Decreases the age of a minor who must be reported missing to under nine years of age.**
- **Requires AzPOST to determine if 50 percent or more of a city's or town's police officer certifications have been revoked over a consecutive eight-year period. If so, AzPOST must notify the Attorney General, who must notify the appropriate county board of supervisors. The board may require, by majority vote, the county sheriff to assume the law enforcement functions of the city or town.**
- **Includes related deadlines and protocol, and procedures for the city or town to request to reinstate control of law enforcement functions after five years.**
- **Prescribes several AzPOST reporting requirements, has a delayed repeal for the law enforcement forfeiture language and includes a severability clause.**

Amendment explanation prepared by Amber Witter

5/3/2012

GRAY FLOOR AMENDMENT  
SENATE AMENDMENTS TO H.B. 2018  
(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,  
3 is amended by adding sections 9-500.32 and 9-500.33, to read:

4 9-500.32. Revocation of peace officer certification; loss of  
5 authority to establish and regulate police; law  
6 enforcement regulation by county; reimbursement;  
7 reinstatement

8 A. A CITY OR TOWN DOES NOT HAVE THE AUTHORITY PRESCRIBED BY THIS TITLE  
9 TO ESTABLISH, REGULATE, APPOINT OR REMOVE THE POLICE OF THE CITY OR TOWN AND  
10 TO PRESCRIBE THEIR POWERS AND DUTIES IF FIFTY PER CENT OR MORE OF THE CITY'S  
11 OR TOWN'S POLICE OFFICERS HAVE HAD THEIR PEACE OFFICER CERTIFICATIONS REVOKED  
12 BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD, WHICH IS  
13 DETERMINED WHERE THE NUMBER OF POLICE OFFICERS WHOSE CERTIFICATIONS HAVE BEEN  
14 REVOKED OVER ANY CONSECUTIVE EIGHT YEAR PERIOD IS THE NUMERATOR AND THE  
15 AVERAGE NUMBER OF CERTIFIED POLICE OFFICERS EMPLOYED BY THE CITY OR TOWN AS  
16 DETERMINED BY THE CITY OR TOWN POLICE DEPARTMENT'S PEACE OFFICER STANDARDS  
17 TRAINING CERTIFICATION RECORDS OVER THE SAME PERIOD OF TIME IS THE  
18 DENOMINATOR. THE CONSECUTIVE EIGHT YEAR PERIOD MAY NOT ENCOMPASS ANY YEAR  
19 BEFORE 2003.

20 B. THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL  
21 DETERMINE IF FIFTY PER CENT OR MORE OF A CITY'S OR TOWN'S POLICE OFFICERS  
22 CERTIFICATIONS HAVE BEEN REVOKED PURSUANT TO SUBSECTION A OF THIS SECTION AND  
23 NOTIFY THE STATE ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL CONFIRM THAT  
24 THE PROVISIONS OF SUBSECTION A OF THIS SECTION HAVE BEEN MET. IF THE  
25 PROVISIONS OF SUBSECTION A HAVE BEEN MET, THE ATTORNEY GENERAL SHALL NOTIFY  
26 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE CITY OR TOWN IS  
27 LOCATED. ON AGREEMENT BY THE BOARD OF SUPERVISORS, THE BOARD, BY MAJORITY  
28 VOTE, SHALL NOTIFY THE CITY OR TOWN AND THE CITY OR TOWN SHALL FORFEIT

1 CONTROL OF THE LAW ENFORCEMENT AUTHORITY OF THE CITY OR TOWN. THE BOARD OF  
2 SUPERVISORS SHALL NOTIFY THE COUNTY SHERIFF OF THE DETERMINATION AND THE  
3 COUNTY SHERIFF SHALL IMMEDIATELY ASSUME THE LAW ENFORCEMENT FUNCTIONS WITHIN  
4 THE CITY OR TOWN. ANY PROCESS FOR DETERMINATION OF FORFEITURE OF CONTROL OF  
5 A LAW ENFORCEMENT AUTHORITY OF A CITY OR TOWN DESCRIBED IN THIS SUBSECTION  
6 SHALL BE COMPLETED BEFORE DECEMBER 31, 2012.

7 C. WITHIN SIXTY DAYS AFTER THE BOARD OF SUPERVISOR'S NOTIFICATION TO  
8 THE COUNTY SHERIFF, THE CITY OR TOWN SHALL REIMBURSE THE COUNTY SHERIFF FOR  
9 ALL REASONABLE COSTS FOR PROVIDING SUCH LAW ENFORCEMENT FUNCTIONS WITHIN THE  
10 CITY OR TOWN. THE BOARD OF SUPERVISORS SHALL DETERMINE REASONABLE COSTS BY  
11 USING THE AVERAGE OF THE MONIES BUDGETED FOR LAW ENFORCEMENT FUNCTIONS OVER  
12 THE THREE PREVIOUS FISCAL YEARS. IN ANY YEAR IN WHICH THE COUNTY SHERIFF  
13 ASSUMES THE LAW ENFORCEMENT FUNCTIONS OF THE CITY OR TOWN, THE COUNTY  
14 SHERIFF'S COST SHALL NOT EXCEED THE AVERAGE OF THE MONIES BUDGETED FOR LAW  
15 ENFORCEMENT FUNCTIONS OVER THE THREE PREVIOUS FISCAL YEARS. IF A CITY OR  
16 TOWN FAILS TO REIMBURSE THE COUNTY FOR THE COST OF PROVIDING THE LAW  
17 ENFORCEMENT FUNCTIONS, ON NOTIFICATION BY THE COUNTY, THE STATE TREASURER  
18 SHALL WITHHOLD FROM THE MONIES OTHERWISE PAYABLE TO THE CITY OR TOWN AS  
19 PROVIDED BY SECTION 42-5029, SUBSECTION J THE AMOUNT COMPUTED BY THE COUNTY  
20 TO PROVIDE THE LAW ENFORCEMENT FUNCTIONS AND TRANSMIT THESE MONIES TO THE  
21 COUNTY.

22 D. WITHIN SIX MONTHS AFTER THE COUNTY SHERIFF HAS ASSUMED THE LAW  
23 ENFORCEMENT FUNCTIONS WITHIN THE CITY OR TOWN, THE SHERIFF, IN CONSULTATION  
24 WITH THE COUNTY BOARD OF SUPERVISORS AND THE CITY OR TOWN, SHALL BEGIN TO  
25 PREPARE A WRITTEN REPORT THAT SHALL INCLUDE AT LEAST:

- 26 1. THE CAUSES OF THE REVOCATIONS OF PEACE OFFICER CERTIFICATIONS.
- 27 2. A COST ANALYSIS FOR THE ASSUMPTION OF THE LAW ENFORCEMENT FUNCTIONS  
28 BY THE CITY OR TOWN.
- 29 3. A LIST OF TRAINING REQUIREMENTS, POLICIES AND PROCEDURES INTENDED  
30 TO REMEDY THE REASONS FOR REVOCATIONS DETERMINED PURSUANT TO SUBSECTION B OF  
31 THIS SECTION.

1 E. THE COUNTY SHERIFF SHALL FORWARD A COPY OF THE REPORT TO THE  
2 ATTORNEY GENERAL.

3 F. AFTER FIVE YEARS FROM FORFEITING CONTROL OF THE LAW ENFORCEMENT  
4 FUNCTIONS, THE CITY OR TOWN MAY MAKE A REQUEST TO THE BOARD OF SUPERVISORS TO  
5 REINSTATE CONTROL OF THE LAW ENFORCEMENT FUNCTIONS TO THE CITY OR TOWN.  
6 WITHIN SIXTY DAYS AFTER RECEIVING SUCH A REQUEST, THE BOARD OF SUPERVISORS  
7 SHALL ACT ON THE MATTER AND IF A MAJORITY VOTE OF THE BOARD AGREES, THE BOARD  
8 SHALL REINSTATE CONTROL OF THE LAW ENFORCEMENT FUNCTIONS BACK TO THE CITY OR  
9 TOWN.

10 G. THIS SECTION DOES NOT GIVE A CITY OR TOWN OR A LAW ENFORCEMENT  
11 AGENCY ANY LEGAL INTEREST OR STANDING IN AN ARIZONA PEACE OFFICER STANDARDS  
12 AND TRAINING BOARD PROCEEDING INVOLVING THE CERTIFICATION OF ANY OF THE LAW  
13 ENFORCEMENT AGENCY'S POLICE OFFICERS.

14 9-500.33. Municipal law enforcement agencies; reporting;  
15 missing children

16 A. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, EACH MUNICIPAL LAW  
17 ENFORCEMENT AGENCY IN THIS STATE SHALL ELECTRONICALLY SUBMIT A REPORT TO THE  
18 ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD ON THE NUMBER OF MISSING  
19 CHILD REPORTS RECEIVED PURSUANT TO SECTION 13-3626 DURING THE PREVIOUS YEAR.

20 B. THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL MAKE  
21 THIS INFORMATION AVAILABLE ELECTRONICALLY ON ITS WEBSITE BY NOVEMBER 1 OF  
22 EACH YEAR.

23 Sec. 2. Title 11, chapter 3, article 2, Arizona Revised Statutes, is  
24 amended by adding section 11-453, to read:

25 11-453. Reporting of missing child reports

26 A. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SHERIFF OF EACH COUNTY  
27 SHALL ELECTRONICALLY SUBMIT A REPORT TO THE ARIZONA PEACE OFFICER STANDARDS  
28 AND TRAINING BOARD ON THE NUMBER OF MISSING CHILD REPORTS RECEIVED PURSUANT  
29 TO SECTION 13-3626 DURING THE PREVIOUS YEAR.

30 B. THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL MAKE  
31 THIS INFORMATION AVAILABLE ELECTRONICALLY ON ITS WEBSITE BY NOVEMBER 1 OF  
32 EACH YEAR."

1 Renumber to conform

2 Page 1, line 5, strike the second "OR" insert a comma

3 Line 6, after "CUSTODY" insert "OR CONTROL"; strike "SIX" insert "NINE"

4 Line 8, strike "IMMEDIATELY"; after "MISSING" insert "AS SOON AS REASONABLY  
5 POSSIBLE"

6 After line 9, insert:

7 "Sec. 4. Delayed repeal

8 Section 9-500.32, Arizona Revised Statutes, as added by this act, is  
9 repealed from and after December 31, 2018.

10 Sec. 5. Arizona peace officer standards and training board;  
11 certification of police agencies; report

12 The Arizona peace officer standards and training board shall examine  
13 the issue of whether the board should also certify police agencies as to the  
14 police agency's ability to enforce the laws of this state and the political  
15 subdivisions of this state based on qualifications that the board determines  
16 are necessary to ensure such enforcement. On or before December 1, 2013, the  
17 board shall report its findings and make recommendations to the governor, the  
18 president of the senate and the speaker of the house of representatives and  
19 forward a copy of the report to the secretary of state.

20 Sec. 6. Severability

21 If a provision of this act or its application to any person or  
22 circumstance is held invalid, the invalidity does not affect other provisions  
23 or applications of the act that can be given effect without the invalid  
24 provision or application, and to this end the provisions of this act are  
25 severable."

26 Amend title to conform

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