

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
PUBLIC SAFETY & HUMAN SERVICES
COMMITTEE

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DATE: January 20, 2012

SUBJECT: Strike everything amendment to S.B. 1040, relating to constables; training board; members

Purpose

Modifies the membership of the Constable Ethics Standards and Training Board (CESTB).

Background

A constable is an officer of the county justice courts. According to the CESTB, like justices of the peace (JP), constables are elected by the people of their local precincts to serve four-year terms. Constables have the authority of peace officers in the performance of their official duties, and have the same powers and duties as sheriffs. Constables and their deputies are the executive enforcement branch of the county justice courts (CESTB). Within their counties, constables must execute, serve and return all processes, warrants and notices delivered to them by a JP of the county or by competent authority (A.R.S. § 22-131). The Arizona Peace Officer Standards and Training Board (AzPOST) must approve a mandatory basic training course for newly elected constables covering topics related to civil and criminal process, conflict resolution and firearm safety. In addition to the initial training course, constables must annually attend at least 16 hours of training approved by AzPOST (A.R.S. § 22-137).

The CESTB is a nine-member board consisting of constables, a county administrator, JP, sheriff, member of the public and a board member of the Arizona Multihousing Association (A.R.S. § 22-136). Pursuant to statute, the CESTB adopts a code of conduct for constables and rules to enforce that code; hears and investigates written complaints involving constables' ethical conduct; and remedies a constable's inappropriate behavior by mediating, issuing warnings or reprimands, instructing the constable to take educational classes, urging a constable to retire from office or submitting a report to the appropriate county attorney seeking another remedy (A.R.S. § 22-137).

There is no anticipated fiscal impact to the state General Fund associated with this measure.

Provisions

1. Adds the Director of AzPOST or the Director's designee to the CESTB.
2. Specifies the JP member on the CESTB must be an elected JP.
3. Becomes effective on the general effective date.

AW/ly