

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1170
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 11, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 11-224, to read:

4 11-224. County website; required website link

5 EACH COUNTY SHALL MAINTAIN A WEBSITE LINK ON THE COUNTY'S WEBSITE TO
6 THE ARIZONA CRIMINAL JUSTICE COMMISSION.

7 Sec. 2. Section 13-2314.01, Arizona Revised Statutes, is amended to
8 read:

9 13-2314.01. Anti-racketeering revolving fund; use of fund;
10 reports

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

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

21 C. Any monies received by any department or agency of this state or
22 any political subdivision of this state from any department or agency of the
23 United States or another state as a result of participation in any
24 investigation or prosecution, whether by final judgment, settlement or
25 otherwise, shall be deposited in the fund established by this section or, if

1 the recipient is a political subdivision of this state, may be deposited in
2 the fund established by section 13-2314.03.

3 D. Any monies obtained as a result of a forfeiture by any department
4 or agency of this state under this title or under federal law shall be
5 deposited in the fund established by this section. Any monies or other
6 property obtained as a result of a forfeiture by any political subdivision of
7 this state or the federal government may be deposited in the fund established
8 by this section. Monies deposited in the fund pursuant to this section or
9 section 13-4315 shall accrue interest and shall be held for the benefit of
10 the agency or agencies responsible for the seizure or forfeiture to the
11 extent of their contribution. Except as provided in subsections F and G of
12 this section, the monies and interest shall be distributed within thirty days
13 of application to the agency or agencies responsible for the seizure or
14 forfeiture. Monies in the fund used by the attorney general for capital
15 projects in excess of one million dollars are subject to review by the joint
16 committee on capital review.

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

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

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

27 3. The payment of the relocation expenses of any law enforcement
28 officer and the officer's immediate family if the law enforcement officer is
29 the victim of a bona fide threat that occurred because of the law enforcement
30 officer's duties.

31 F. On or before January 15, April 15, July 15 and October 15 of each
32 year, each department or agency of this state receiving monies pursuant to
33 this section or section 13-2314.03 or 13-4315 or from any department or

1 agency of the United States or another state as a result of participation in
2 any investigation or prosecution shall file with the attorney general, **THE**
3 **BOARD OF SUPERVISORS IF THE SHERIFF RECEIVED THE MONIES AND THE CITY OR TOWN**
4 **COUNCIL IF THE CITY OR TOWN'S DEPARTMENT RECEIVED THE MONIES** a report for the
5 previous calendar quarter. The report shall be in a form that is prescribed
6 by the Arizona criminal justice commission and approved by the director of
7 the joint legislative budget committee. The report shall set forth the
8 sources of all monies and all expenditures. The report shall not include any
9 identifying information about specific investigations. If a department or
10 agency of this state fails to file a report within forty-five days after the
11 report is due and there is no good cause as determined by the Arizona
12 criminal justice commission, the attorney general shall make no expenditures
13 from the fund for the benefit of the department or agency until the report is
14 filed. The attorney general is responsible for collecting all reports from
15 departments and agencies of this state and transmitting the reports to the
16 Arizona criminal justice commission at the time that the report required
17 pursuant to subsection G of this section is submitted.

18 G. On or before January 25, April 25, July 25 and October 25 of each
19 year, the attorney general shall file with the Arizona criminal justice
20 commission a report for the previous calendar quarter. The report shall be
21 in a form that is prescribed by the Arizona criminal justice commission and
22 approved by the director of the joint legislative budget committee. The
23 report shall set forth the sources of all monies and all expenditures. The
24 report shall not include any identifying information about specific
25 investigations. If the attorney general fails to file a report within sixty
26 days after the report is due and there is no good cause as determined by the
27 Arizona criminal justice commission, the attorney general shall make no
28 expenditures from the fund for the benefit of the attorney general until the
29 report is filed. If a political subdivision of this state fails to file a
30 report with the county attorney pursuant to section 13-2314.03 within
31 forty-five days after the report is due and there is no good cause as
32 determined by the Arizona criminal justice commission, the attorney general

1 shall make no expenditures from the fund for the benefit of the political
2 subdivision until the report is filed.

3 H. On or before September 30 of each year, the Arizona criminal
4 justice commission shall compile the attorney general report and the reports
5 of all departments and agencies of this state into a single comprehensive
6 report and shall submit a copy of the report to the governor, the director of
7 the department of administration, the president of the senate, the speaker of
8 the house of representatives, the director of the joint legislative budget
9 committee and the secretary of state.

10 Sec. 3. Section 13-2314.03, Arizona Revised Statutes, is amended to
11 read:

12 13-2314.03. County anti-racketeering revolving fund; use of
13 fund; reports

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

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

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

29 D. Any monies obtained as a result of a forfeiture by the county
30 attorney under this title or under federal law shall be deposited in the fund
31 established by this section. Any monies or other property obtained as a
32 result of a forfeiture by any political subdivision of this state or the
33 federal government may be deposited in the fund established by this section

1 or in the fund established by section 13-2314.01. Monies deposited in the
2 fund pursuant to this section or section 13-4315 shall accrue interest and
3 shall be held for the benefit of the agency or agencies responsible for the
4 seizure or forfeiture to the extent of their contribution. Except as
5 provided in subsections F and G of this section, the monies and interest
6 shall be distributed to the agency or agencies responsible for the seizure or
7 forfeiture within thirty days of application.

8 E. Monies in the fund may be used for the funding of gang prevention
9 programs, substance abuse prevention programs, substance abuse education
10 programs, programs that provide assistance to victims of a criminal offense
11 that is listed in section 13-2301 and witness protection pursuant to section
12 11-536 or for any purpose permitted by federal law relating to the
13 disposition of any property that is transferred to a law enforcement agency.
14 Monies in the fund may be used for the investigation and prosecution of any
15 offense included in the definition of racketeering in section 13-2301,
16 subsection D, paragraph 4 or section 13-2312, including civil enforcement.

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

29 G. On or before January 15, April 15, July 15 and October 15 of each
30 year, each political subdivision of this state receiving monies pursuant to
31 this section or section 13-2314.01 or 13-4315 or from any department or
32 agency of the United States or another state as a result of participating in
33 any investigation or prosecution shall cause to be filed with the **BOARD OF**

1 SUPERVISORS OF THE COUNTY IN WHICH THE POLITICAL SUBDIVISION IS LOCATED, EACH
2 CITY OR TOWN COUNCIL IN WHICH THE POLITICAL SUBDIVISION IS LOCATED AND THE
3 county attorney of the county in which the political subdivision is located a
4 report for the previous calendar quarter. The report shall be in a form that
5 is prescribed by the Arizona criminal justice commission and approved by the
6 director of the joint legislative budget committee. The report shall set
7 forth the sources of all monies and all expenditures. The report shall not
8 include any identifying information about specific investigations. If a
9 political subdivision of this state fails to file a report within forty-five
10 days after the report is due and there is no good cause as determined by the
11 Arizona criminal justice commission, the county attorney shall make no
12 expenditures from the fund for the benefit of the political subdivision until
13 the report is filed. The county attorney shall be responsible for collecting
14 all reports from political subdivisions within that county and transmitting
15 the reports to the Arizona criminal justice commission at the time that the
16 county report required pursuant to subsection F of this section is submitted.

17 H. On or before September 30 of each year, the Arizona criminal
18 justice commission shall compile all county attorney reports into a single
19 comprehensive report and all political subdivision reports into a single
20 comprehensive report and submit a copy of each comprehensive report to the
21 governor, the president of the senate, the speaker of the house of
22 representatives, the director of the joint legislative budget committee and
23 the secretary of state."

24 Amend title to conform

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