

REFERENCE TITLE: cities; towns; police functions; revocation

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# **SB 1433**

Introduced by  
Senators Gray: Gould

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.32; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
3 amended by adding section 9-500.32, 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.

19 B. THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL  
20 DETERMINE IF FIFTY PER CENT OR MORE OF A CITY'S OR TOWN'S POLICE OFFICERS  
21 CERTIFICATIONS HAVE BEEN REVOKED PURSUANT TO SUBSECTION A OF THIS SECTION AND  
22 NOTIFY THE STATE ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL CONFIRM THAT  
23 THE REASONS FOR THE REVOCATIONS ARE BASED ON SYSTEMIC ISSUES AND NOT SOLELY  
24 ON INDIVIDUAL POLICE OFFICER MISCONDUCT. THE ATTORNEY GENERAL SHALL NOTIFY  
25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE CITY OR TOWN IS  
26 LOCATED OF THE DETERMINATION. THE COUNTY BOARD OF SUPERVISORS SHALL VOTE TO  
27 AFFIRM THE DETERMINATION AND THE ATTORNEY GENERAL SHALL NOTIFY THE CITY OR  
28 TOWN AND THE CITY OR TOWN SHALL FORFEIT CONTROL OF THE LAW ENFORCEMENT  
29 AUTHORITY OF THE CITY OR TOWN. THE BOARD OF SUPERVISORS SHALL NOTIFY THE  
30 COUNTY SHERIFF OF THE DETERMINATION AND DIRECT THE COUNTY SHERIFF TO  
31 IMMEDIATELY ASSUME THE LAW ENFORCEMENT FUNCTIONS WITHIN THE CITY OR TOWN.

32 C. WITHIN SIXTY DAYS OF THE BOARD OF SUPERVISOR'S NOTIFICATION TO THE  
33 COUNTY SHERIFF, THE CITY OR TOWN SHALL REIMBURSE THE COUNTY SHERIFF FOR ALL  
34 REASONABLE COSTS FOR PROVIDING SUCH LAW ENFORCEMENT FUNCTIONS WITHIN THE CITY  
35 OR TOWN. THE BOARD OF SUPERVISORS SHALL DETERMINE REASONABLE COSTS BY USING  
36 THE AVERAGE OF THE MONIES BUDGETED FOR LAW ENFORCEMENT FUNCTIONS OVER THE  
37 THREE PREVIOUS FISCAL YEARS. IF A CITY OR TOWN FAILS TO REIMBURSE THE COUNTY  
38 FOR THE COST OF PROVIDING THE LAW ENFORCEMENT FUNCTIONS, ON NOTIFICATION BY  
39 THE COUNTY, THE STATE TREASURER SHALL WITHHOLD FROM THE DISTRIBUTION OF STATE  
40 SHARED REVENUES TO THE AFFECTED CITY OR TOWN THE AMOUNT COMPUTED BY THE  
41 COUNTY TO PROVIDE THE LAW ENFORCEMENT FUNCTIONS AND TRANSMIT THESE MONIES TO  
42 THE COUNTY.

43 D. WITHIN SIX MONTHS AFTER THE COUNTY SHERIFF HAS ASSUMED THE LAW  
44 ENFORCEMENT FUNCTIONS WITHIN THE CITY OR TOWN, THE SHERIFF, IN CONSULTATION

1 WITH THE COUNTY BOARD OF SUPERVISORS AND THE CITY OR TOWN, SHALL BEGIN TO  
2 PREPARE A WRITTEN REPORT THAT SHALL INCLUDE AT LEAST:

3 1. THE CAUSES OF THE REVOCATIONS OF PEACE OFFICER CERTIFICATIONS.

4 2. A COST ANALYSIS FOR THE ASSUMPTION OF THE LAW ENFORCEMENT FUNCTIONS  
5 BY THE CITY OR TOWN.

6 3. A LIST OF TRAINING REQUIREMENTS, POLICIES AND PROCEDURES INTENDED  
7 TO REMEDY THE REASONS FOR REVOCATIONS DETERMINED PURSUANT TO SUBSECTION B OF  
8 THIS SECTION.

9 E. THE COUNTY SHERIFF SHALL FORWARD A COPY OF THE REPORT TO THE  
10 ATTORNEY GENERAL.

11 F. AFTER FIVE YEARS FROM FORFEITING CONTROL OF THE LAW ENFORCEMENT  
12 FUNCTIONS, THE CITY OR TOWN MAY MAKE A REQUEST TO THE ATTORNEY GENERAL TO  
13 REINSTATE CONTROL OF THE LAW ENFORCEMENT FUNCTIONS TO THE CITY OR TOWN. THE  
14 ATTORNEY GENERAL MAY SUBMIT THIS REQUEST TO THE BOARD OF SUPERVISORS FOR  
15 THEIR APPROVAL.

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

20 Sec. 2. Emergency

21 This act is an emergency measure that is necessary to preserve the  
22 public peace, health or safety and is operative immediately as provided by  
23 law.