



ARIZONA HOUSE OF REPRESENTATIVES FLOOR AMENDMENT EXPLANATION

*57th Legislature, 2nd Regular Session
Majority Research Staff*

HB4018: technical correction; public records

S/E: Sheriff; exclusive authority; auxiliary

MARSHALL FLOOR AMENDMENT

1. Allows the sheriff to request and use the aid of volunteer posse and reserve organizations located in the county for duties lawfully undertaken by the sheriff *pursuant to and consistent with the constitution and laws of this state*.
2. Removes affiliated auxiliaries from the organizations subject to a sheriff's regulatory authority.
3. Clarifies the sheriff has *exclusive* authority to regulate the organization of, and equipment used by, posse or reserve organizations that are activated by the sheriff and *acting within the sheriff's authority and written policy* in support of the sheriff's office.

MARSHALL FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 4018
(Reference to PUBLIC SAFETY & LAW ENFORCEMENT S/E Committee amendment)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Strike everything after the enacting clause and insert:

3 "Section 1. Section 11-441, Arizona Revised Statutes, is amended to
4 read:

5 11-441. Powers and duties

6 A. The sheriff shall:

7 1. Preserve the peace.

8 2. Arrest and take before the nearest magistrate for examination
9 all persons who attempt to commit or who have committed a public offense.

10 3. Prevent and suppress all affrays, breaches of the peace, riots
11 and insurrections that may come to the knowledge of the sheriff.

12 4. Attend all courts, except justice and municipal courts, when an
13 element of danger is anticipated and attendance is requested by the
14 presiding judge and obey lawful orders and directions issued by the judge.

15 5. Take charge of and keep the county jail, including a county jail
16 under the jurisdiction of a county jail district, and the prisoners in the
17 county jail.

18 6. Endorse on all process and notices the year, month, day, hour
19 and minute of reception and issue to the person delivering the process or
20 notice, on payment of fees, a certificate showing the names of the
21 parties, the title of the paper and the time of reception.

22 7. Serve process and notices in the manner prescribed by law and
23 certify under the sheriff's hand on the process or notices the manner and
24 time of service, or if the sheriff fails to make service, the reasons for
25 failure, and return them without delay. When returnable to another
26 county, the sheriff may enclose such process or notices in an envelope,
27 addressed to the officer from whom received, and deposit the envelope
28 postage prepaid in the post office. The return of the sheriff is prima
29 facie evidence of the facts stated in the return.

30 8. Secure, as soon as possible, the home of a deceased person
31 located outside the boundaries of an incorporated city or town if the

1 sheriff is unable to determine or locate the heirs or executor of the
2 deceased person.

3 B. The sheriff, in executing the duties prescribed in subsection A,
4 paragraphs 1 through 4 of this section, may command the aid of as many
5 inhabitants of the county as the sheriff deems necessary.

6 C. The sheriff shall conduct or coordinate within the county search
7 or rescue operations involving the life or health of any person or may
8 assist in such operations in another county at the request of that
9 county's sheriff. The sheriff may request assistance from any persons or
10 agencies in fulfilling duties under this subsection. A search and rescue
11 unit established or recognized by a county may possess human remains as
12 defined in section 36-301 for the purpose of training canines used for
13 search and rescue work. The sheriff or the sheriff's designee shall keep
14 an inventory of all human remains that are kept for the purpose of
15 training search and rescue canines. The inventory must be updated when
16 the search and rescue unit receives human remains or disposes of human
17 remains that are no longer useful to the search and rescue unit. Each
18 search and rescue unit that possesses human remains for the purpose of
19 training search and rescue canines shall establish policies and standard
20 operating procedures for access to, the inventory of and the possession
21 and disposal of human remains kept for the purpose of training search and
22 rescue canines.

23 D. The sheriff, in executing the duties prescribed in this section,
24 INCLUDING THE DUTIES PRESCRIBED IN SUBSECTION A OF THIS SECTION AND ANY
25 OTHER ~~[LAWFUL DUTY]~~ [DUTY LAWFULLY] UNDERTAKEN BY THE SHERIFF [PURSUANT TO
26 AND CONSISTENT WITH THE CONSTITUTION AND LAWS OF THIS STATE], may request
27 AND USE the aid of volunteer posse and reserve organizations located in
28 the county. [WHEN ACTIVATED BY THE SHERIFF,] THE SHERIFF HAS [EXECUTIVE]
29 [EXCLUSIVE] AUTHORITY TO REGULATE THE ORGANIZATION AND [OPERATIONAL
30 RESOURCES OF ANY AFFILIATED AUXILIARY,] [EQUIPMENT THAT IS USED BY A]
31 POSSE OR RESERVE ORGANIZATION OR MEMBERS OF [AN AFFILIATED AUXILIARY,] [A]
32 POSSE OR RESERVE ORGANIZATION THAT ARE ACTING [WITHIN THE SHERIFF'S
33 AUTHORITY AND WRITTEN POLICY] IN SUPPORT OF THE SHERIFF'S OFFICE,
34 CONSISTENT WITH LAW.

35 E. The sheriff may assist in executing the duties prescribed in
36 this section in another county at the request of that county's sheriff.

37 F. The sheriff may require any prisoner who is on work release to
38 reimburse the county for reasonable expenses incurred in connection with
39 the release.

40 G. The board of supervisors of a county bordering Mexico may adopt
41 an ordinance pursuant to chapter 2 of this title allowing the sheriff to
42 prevent the entry from this state into Mexico at the border by any
43 resident of this state who is under eighteen years of age if the minor is
44 unaccompanied by a parent or guardian or does not have written consent for
45 entry from the minor's parent or guardian. The authority of the sheriff
46 is only to prevent entry and not to otherwise detain the minor. This
47 subsection does not limit the authority of the sheriff pursuant to any
48 other law. A county is not civilly or criminally liable for not adopting
49 an ordinance pursuant to this subsection.

50 H. Notwithstanding section 13-3112, the sheriff may authorize
51 members of the sheriff's volunteer posse who have received and passed

1 firearms training that is approved by the Arizona peace officer standards
2 and training board to carry a deadly weapon without a permit while on
3 duty."

4 Enroll and engross to conform
5 Amend title to conform

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