

REFERENCE TITLE: **law enforcement animals; animal cruelty**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

H. B. 2120

Introduced by _____

AN ACT

AMENDING SECTIONS 12-114.01, 12-116.01, 13-702, 13-2910, 41-2401 AND 41-2419, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-824; RELATING TO LAW ENFORCEMENT ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-114.01, Arizona Revised Statutes, is amended to read:

3 **12-114.01. Probation surcharge; deposit**

4 A. Except as provided in section 12-269, in addition to any other penalty assessment provided by
5 law, a probation surcharge of ten dollars shall be levied on every fine, penalty and forfeiture imposed and
6 collected by the superior, justice and municipal courts for criminal offenses and any civil penalty imposed
7 and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle
8 statutes, for a violation of any local ordinance relating to the stopping, standing or operation of a vehicle,
9 except parking violations, or for a violation of the game and fish statutes in title 17.

10 B. The monies collected pursuant to this section shall be deposited, pursuant to sections 35-146 and
11 35-147, in the judicial collection enhancement fund established by section 12-113 to be used to supplement
12 monies currently used for the salaries of adult and juvenile probation and surveillance officers and for
13 support of programs and services of the superior court adult and juvenile probation departments.

14 C. The court may waive all or part of a probation surcharge in the same manner and subject to the
15 same limitations provided for the waiver of penalty assessments in section 12-116.01, subsection ~~E~~-G and
16 section 12-116.02, subsection D.

17 Sec. 2. Section 12-116.01, Arizona Revised Statutes, is amended to read:

18 **12-116.01. Assessments; fund deposits**

19 A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied
20 in an amount of forty-seven per cent on every fine, penalty and forfeiture imposed and collected by the
21 courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine,
22 penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the
23 stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

24 B. In addition to any other penalty assessment provided by law, an additional penalty assessment
25 shall be levied in an amount of seven per cent on every fine, penalty and forfeiture imposed and collected by
26 the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and
27 fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the
28 stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

29 C. In addition to any other penalty assessment provided by law, an additional penalty assessment
30 shall be levied in an amount of three per cent on every fine, penalty and forfeiture imposed and collected by
31 the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and
32 fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the
33 stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

34 **D. IN ADDITION TO ANY OTHER PENALTY ASSESSMENT PROVIDED BY LAW, AN
35 ADDITIONAL PENALTY ASSESSMENT SHALL BE LEVIED IN AN AMOUNT OF ____ PER CENT
36 ON EVERY FINE, PENALTY AND FORFEITURE IMPOSED AND COLLECTED BY THE COURTS
37 FOR CRIMINAL OFFENSES AND ANY CIVIL PENALTY IMPOSED AND COLLECTED FOR A CIVIL
38 TRAFFIC VIOLATION AND FINE, PENALTY OR FORFEITURE FOR A VIOLATION OF THE
39 MOTOR VEHICLE STATUTES, FOR ANY LOCAL ORDINANCE RELATING TO THE STOPPING,
40 STANDING OR OPERATION OF A VEHICLE OR FOR A VIOLATION OF THE GAME AND FISH
41 STATUTES IN TITLE 17.**

42 ~~D~~. **E.** If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a
43 violation, the court shall require a sufficient amount to include the assessment prescribed in this section for
44 forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the
45 assessment pursuant to subsection ~~G~~-H of this section. If bail, bond or deposit is returned, the assessment
46 made pursuant to this article shall also be returned.

47 ~~E~~. **F.** After addition of the penalty assessment, the courts may round the total amount due to the
48 nearest one-quarter dollar.

49 ~~F~~. **G.** The judge may waive all or part of the civil penalty, fine, forfeiture and penalty assessment,
50 except for mandatory civil penalties and fines, the payment of which would work a hardship on the persons
51 convicted or adjudicated or on their immediate families. If a fine or civil penalty is mandatory, the judge
52 may waive only all or part of the penalty assessments prescribed by subsections A, B, ~~and~~ C **AND D** of this

1 section and section 12-116.02. If a fine or civil penalty is not mandatory and if a portion of the civil penalty,
2 fine, forfeiture and penalty assessment is waived or suspended, the amount assessed must be divided
3 according to the proportion that the civil penalty, fine, bail or bond and the penalty assessment represent of
4 the total amount due.

5 ~~G~~ H. After a determination by the court of the amount due, the court shall transmit, on the last
6 day of each month, the assessments collected pursuant to subsections A, B, C, ~~and D AND E~~ of this section
7 and a remittance report of the fines, civil penalties and assessments collected pursuant to subsections A, B, C,
8 ~~and D AND E~~ of this section to the county treasurer, except that municipal courts shall transmit the
9 assessments and the remittance report of the fines, civil penalties and assessments to the city treasurer.

10 ~~H~~ I. The appropriate authorities specified in subsection ~~G~~ H of this section shall transmit the
11 forty-seven per cent penalty assessment prescribed in subsection A of this section and the remittance report
12 as required in subsection ~~G~~ H of this section to the state treasurer on or before the fifteenth day of each
13 month for deposit in the criminal justice enhancement fund established by section 41-2401.

14 ~~I~~ J. The appropriate authorities specified in subsection ~~G~~ H of this section shall transmit the seven
15 per cent penalty assessment prescribed in subsection B of this section and the remittance report as required
16 in subsection ~~G~~ H of this section to the state treasurer on or before the fifteenth day of each month for
17 allocation pursuant to section 41-2421, subsection J.

18 ~~J~~ K. The appropriate authorities specified in subsection ~~G~~ H of this section shall transmit the
19 three per cent penalty assessment prescribed in subsection C of this section and the remittance report as
20 required in subsection ~~G~~ H of this section to the state treasurer on or before the fifteenth day of each month
21 for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419.

22 L. THE APPROPRIATE AUTHORITIES SPECIFIED IN SUBSECTION H OF THIS SECTION
23 SHALL TRANSMIT THE ___ PER CENT PENALTY ASSESSMENT PRESCRIBED IN SUBSECTION
24 D OF THIS SECTION AND THE REMITTANCE REPORT AS REQUIRED IN SUBSECTION H OF
25 THIS SECTION TO THE STATE TREASURER ON OR BEFORE THE FIFTEENTH DAY OF EACH
26 MONTH FOR DEPOSIT IN THE CRIMINAL JUSTICE ENHANCEMENT FUND ESTABLISHED BY
27 SECTION 41-2401.

28 ~~K~~ M. Partial payments of the amount due shall be transmitted as prescribed in subsections ~~G~~, H, I,
29 ~~and J, K AND L~~ of this section and shall be divided according to the proportion that the civil penalty, fine,
30 bail or bond and the penalty assessment represent of the total amount due.

31 Sec. 3. Section 13-702, Arizona Revised Statutes, is amended to read:

32 **13-702. Sentencing; definition**

33 A. Sentences provided in section 13-701 for a first conviction of a felony, except those felonies
34 involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the
35 intentional or knowing infliction of serious physical injury upon another or if a specific sentence is otherwise
36 provided, may be increased or reduced by the court within the ranges set by this subsection. Any reduction
37 or increase shall be based on the aggravating and mitigating circumstances contained in subsections C and D
38 of this section and shall be within the following ranges:

		Minimum	Maximum
39			
40	1. For a class 2 felony	4 years	10 years
41	2. For a class 3 felony	2.5 years	7 years
42	3. For a class 4 felony	1.5 years	3 years
43	4. For a class 5 felony	9 months	2 years
44	5. For a class 6 felony	6 months	1.5 years

45 B. The upper or lower term imposed pursuant to section 13-604, 13-604.01, 13-604.02, 13-702.01 or
46 13-710 or subsection A of this section may be imposed only if one or more of the circumstances alleged to be
47 in aggravation of the crime are found to be true by the trier of fact beyond a reasonable doubt or are
48 admitted by the defendant, except that an alleged aggravating circumstance under subsection C, paragraph
49 11 of this section shall be found to be true by the court, or in mitigation of the crime are found to be true by
50 the court, on any evidence or information introduced or submitted to the court or the trier of fact before
51 sentencing or any evidence presented at trial, and factual findings and reasons in support of such findings
52 are set forth on the record at the time of sentencing.

1 C. For the purpose of determining the sentence pursuant to section 13-710 and subsection A of this
2 section, the trier of fact shall determine and the court shall consider the following aggravating circumstances,
3 except that the court shall determine an aggravating circumstance under paragraph 11 of this subsection:

4 1. Infliction or threatened infliction of serious physical injury, except if this circumstance is an
5 essential element of the offense of conviction or has been utilized to enhance the range of punishment under
6 section 13-604.

7 2. Use, threatened use or possession of a deadly weapon or dangerous instrument during the
8 commission of the crime, except if this circumstance is an essential element of the offense of conviction or has
9 been utilized to enhance the range of punishment under section 13-604.

10 3. If the offense involves the taking of or damage to property, the value of the property so taken or
11 damaged.

12 4. Presence of an accomplice.

13 5. Especially heinous, cruel or depraved manner in which the offense was committed.

14 6. The defendant committed the offense as consideration for the receipt, or in the expectation of the
15 receipt, of anything of pecuniary value.

16 7. The defendant procured the commission of the offense by payment, or promise of payment, of
17 anything of pecuniary value.

18 8. At the time of the commission of the offense, the defendant was a public servant and the offense
19 involved conduct directly related to the defendant's office or employment.

20 9. The victim or, if the victim has died as a result of the conduct of the defendant, the victim's
21 immediate family suffered physical, emotional or financial harm.

22 10. During the course of the commission of the offense, the death of an unborn child at any stage of
23 its development occurred.

24 11. The defendant was previously convicted of a felony within the ten years immediately preceding
25 the date of the offense. A conviction outside the jurisdiction of this state for an offense that if committed in
26 this state would be punishable as a felony is a felony conviction for the purposes of this paragraph.

27 12. The defendant was wearing body armor as defined in section 13-3116.

28 13. The victim of the offense is at least sixty-five years of age or is a disabled person as defined by
29 section 38-492.

30 14. The defendant was appointed pursuant to title 14 as a fiduciary and the offense involved conduct
31 directly related to the defendant's duties to the victim as fiduciary.

32 15. Evidence that the defendant committed the crime out of malice toward a victim because of the
33 victim's identity in a group listed in section 41-1750, subsection A, paragraph 3 or because of the defendant's
34 perception of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3.

35 16. The defendant was convicted of a violation of section 13-1102, section 13-1103, section 13-1104,
36 subsection A, paragraph 3 or section 13-1204, subsection A, paragraph 1 or 2 arising from an act that was
37 committed while driving a motor vehicle and the defendant's alcohol concentration at the time of committing
38 the offense was 0.15 or more. For the purposes of this paragraph, "alcohol concentration" has the same
39 meaning prescribed in section 28-101.

40 17. Lying in wait for the victim or ambushing the victim during the commission of any felony.

41 18. The offense was committed in the presence of a child and any of the circumstances exist that are
42 set forth in section 13-3601, subsection A.

43 19. The offense was committed in retaliation for a victim's either reporting criminal activity or being
44 involved in an organization, other than a law enforcement agency, that is established for the purpose of
45 reporting or preventing criminal activity.

46 20. The defendant was impersonating a peace officer as defined in section 1-215.

47 21. The defendant was in violation of 8 United States Code section 1323, 1324, 1325, 1326 or 1328 at
48 the time of the commission of the offense.

49 22. The defendant used a remote stun gun or an authorized remote stun gun in the commission of the
50 offense. For the purposes of this paragraph:

51 (a) "Authorized remote stun gun" means a remote stun gun that has all of the following:

1 (i) An electrical discharge that is less than one hundred thousand volts and less than nine joules of
2 energy per pulse.

3 (ii) A serial or identification number on all projectiles that are discharged from the remote stun
4 gun.

5 (iii) An identification and tracking system that, on deployment of remote electrodes, disperses coded
6 material that is traceable to the purchaser through records that are kept by the manufacturer on all remote
7 stun guns and all individual cartridges sold.

8 (iv) A training program that is offered by the manufacturer.

9 (b) "Remote stun gun" means an electronic device that emits an electrical charge and that is
10 designed and primarily employed to incapacitate a person or animal either through contact with electrodes
11 on the device itself or remotely through wired probes that are attached to the device or through a spark,
12 plasma, ionization or other conductive means emitting from the device.

13 23. During or immediately following the commission of the offense, the defendant committed a
14 violation of either section 28-661, 28-662 or 28-663.

15 24. DURING OR IMMEDIATELY FOLLOWING THE COMMISSION OF THE OFFENSE,
16 SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW ENFORCEMENT ANIMAL
17 OCCURRED.

18 ~~24.~~ 25. Any other factor that the state alleges is relevant to the defendant's character or background
19 or to the nature or circumstances of the crime.

20 D. For the purpose of determining the sentence pursuant to section 13-710 and subsection A of this
21 section, the court shall consider the following mitigating circumstances:

22 1. The age of the defendant.

23 2. The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform
24 the defendant's conduct to the requirements of law was significantly impaired, but not so impaired as to
25 constitute a defense to prosecution.

26 3. The defendant was under unusual or substantial duress, although not such as to constitute a
27 defense to prosecution.

28 4. The degree of the defendant's participation in the crime was minor, although not so minor as to
29 constitute a defense to prosecution.

30 5. During or immediately following the commission of the offense, the defendant complied with all
31 duties imposed under sections 28-661, 28-662 and 28-663.

32 6. Any other factor that is relevant to the defendant's character or background or to the nature or
33 circumstances of the crime and that the court finds to be mitigating.

34 If the trier of fact finds at least one aggravating circumstance, the trial court may find by a preponderance of
35 the evidence additional aggravating circumstances. In determining what sentence to impose, the court shall
36 take into account the amount of aggravating circumstances and whether the amount of mitigating
37 circumstances is sufficiently substantial to call for the lesser term. If the trier of fact finds aggravating
38 circumstances and the court does not find any mitigating circumstances, the court shall impose an
39 aggravated sentence.

40 E. The court in imposing a sentence shall consider the evidence and opinions presented by the
41 victim or the victim's immediate family at any aggravation or mitigation proceeding or in the presentence
42 report.

43 F. Nothing in this section affects any provision of law that imposes the death penalty, that expressly
44 provides for imprisonment for life or that authorizes or restricts the granting of probation and suspending
45 the execution of sentence.

46 G. Notwithstanding any other provision of this title, if a person is convicted of any class 6 felony not
47 involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening
48 exhibition of a deadly weapon or dangerous instrument and if the court, having regard to the nature and
49 circumstances of the crime and to the history and character of the defendant, is of the opinion that it would
50 be unduly harsh to sentence the defendant for a felony, the court may enter judgment of conviction for a
51 class 1 misdemeanor and make disposition accordingly or may place the defendant on probation in
52 accordance with chapter 9 of this title and refrain from designating the offense as a felony or misdemeanor

1 until the probation is terminated. The offense shall be treated as a felony for all purposes until such time as
2 the court may actually enter an order designating the offense a misdemeanor. This subsection does not apply
3 to any person who stands convicted of a class 6 felony and who has previously been convicted of two or more
4 felonies. If a crime or public offense is punishable in the discretion of the court by a sentence as a class 6
5 felony or a class 1 misdemeanor, the offense shall be deemed a misdemeanor if the prosecuting attorney:
6 1. Files an information in superior court designating the offense as a misdemeanor.
7 2. Files a complaint in justice court or municipal court designating the offense as a misdemeanor
8 within the jurisdiction of the respective court.
9 3. Files a complaint, with the consent of the defendant, before or during the preliminary hearing
10 amending the complaint to charge a misdemeanor.
11 H. For the purposes of this section, "trier of fact" means a jury, unless the defendant and the state
12 waive a jury in which case the trier of fact means the court.
13 Sec. 4. Title 13, chapter 8, Arizona Revised Statutes, is amended by adding section 13-824, to read:
14 13-824. Restitution; law enforcement animals
15 **A. IN ADDITION TO ANY RESTITUTION THAT IS ORDERED PURSUANT TO SECTION 13-**
16 **603, SUBSECTION C OR SECTION 13-804, IF THE DEFENDANT IS CONVICTED OF ANY OFFENSE**
17 **THAT RESULTED IN SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW**
18 **ENFORCEMENT ANIMAL, THE COURT SHALL REQUIRE THE CONVICTED PERSON TO MAKE**
19 **RESTITUTION TO THE LAW ENFORCEMENT AGENCY THAT OWNED THE ANIMAL IN THE**
20 **FULL AMOUNT OF THE ECONOMIC LOSS AS DETERMINED BY THE COURT AND IN THE**
21 **MANNER AS DETERMINED BY THE COURT OR THE COURT'S DESIGNEE PURSUANT TO THIS**
22 **CHAPTER.**
23 **B. RESTITUTION THAT IS ORDERED PURSUANT TO THIS SECTION SHALL BE PAID TO**
24 **THE CLERK OF THE COURT FOR DISBURSEMENT TO THE LAW ENFORCEMENT AGENCY AND**
25 **IS A CRIMINAL PENALTY FOR THE PURPOSES OF A FEDERAL BANKRUPTCY INVOLVING THE**
26 **PERSON CONVICTED OF AN OFFENSE.**
27 Sec. 5. Section 13-2910, Arizona Revised Statutes, is amended to read:
28 13-2910. Cruelty to animals; interference with law enforcement or service animal;
29 classification; definitions
30 A. A person commits cruelty to animals if the person does any of the following:
31 1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control
32 to cruel neglect or abandonment.
33 2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent
34 protracted suffering to any animal under the person's custody or control.
35 3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
36 4. Recklessly subjects any animal to cruel mistreatment.
37 5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another
38 person without either legal privilege or consent of the owner.
39 6. Recklessly interferes with, kills or harms a ~~working-or-service~~ **LAW ENFORCEMENT** animal
40 without either legal privilege or consent of the owner.
41 **7. RECKLESSLY INTERFERES WITH, KILLS OR HARMS A SERVICE ANIMAL WITHOUT**
42 **EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.**
43 ~~7.~~ **8. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor**
44 **vehicle and physical injury to or death of the animal is likely to result.**
45 ~~8.~~ **9. Intentionally or knowingly subjects any animal under the person's custody or control to cruel**
46 **neglect or abandonment that results in serious physical injury to the animal.**
47 ~~9.~~ **10. Intentionally or knowingly subjects any animal to cruel mistreatment.**
48 ~~10.~~ **11. Intentionally or knowingly interferes with, kills or harms a ~~working-or-service~~ **LAW****
49 **ENFORCEMENT** animal without either legal privilege or consent of the owner.
50 **12. INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A**
51 **SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.**

1 ~~11.~~ 13. Intentionally or knowingly allows any dog that is under the person's custody or control to
2 interfere with, kill or cause physical injury to a service animal.
3 ~~12.~~ 14. Recklessly allows any dog that is under the person's custody or control to interfere with, kill
4 or cause physical injury to a service animal.
5 ~~13.~~ 15. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with
6 the intent to deprive the service animal handler of the service animal.
7 B. It is a defense to subsection A of this section if:
8 1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to
9 be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of
10 protecting the person or the person's livestock or poultry, **and** the treated property is kept posted by the
11 person who authorized or performed the treatment until the poison has been removed, ~~and~~ the poison is
12 removed by the person exposing the poison after the threat to the person, ~~or~~ the person's livestock or
13 poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the
14 property by the point or points of normal entry. The warning notice that is posted shall be readable at a
15 distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or
16 "warning".
17 2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the
18 person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state,
19 excluding any fur-bearing animals as defined in section 17-101.
20 C. This section does not prohibit or restrict:
21 1. The taking of wildlife or other activities permitted by or pursuant to title 17.
22 2. Activities permitted by or pursuant to title 3.
23 3. Activities regulated by the Arizona game and fish department or the Arizona department of
24 agriculture.
25 D. A peace officer, animal control enforcement agent or animal control enforcement deputy may
26 use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in
27 subsection A, paragraph 7 of this section.
28 E. A person who is convicted of a violation of subsection A, paragraph 6, ~~or 10~~ 7, 11 OR 12 of this
29 section is liable as follows:
30 1. If the **working LAW ENFORCEMENT** or service animal was killed or disabled, to the owner or
31 agency that owns the **working LAW ENFORCEMENT** or service animal and that employs the handler or to
32 the owner or handler for the replacement and training costs of the **working LAW ENFORCEMENT** or
33 service animal and for any veterinary bills.
34 2. To the owner or agency that owns a **working LAW ENFORCEMENT** or service animal for the
35 salary of the handler for the period of time that the handler's services are lost to the owner or agency.
36 3. To the owner for the owner's contractual losses with the agency.
37 F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions
38 at least as stringent as the misdemeanor provisions of this section.
39 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, ~~6,~~ 7, 8 or ~~12~~ 14 of this section is guilty
40 of a class 1 misdemeanor. A person who violates subsection A, paragraph 6, ~~8,~~ 9, 10, ~~11~~ ~~or~~ 12, 13 OR 15 of
41 this section is guilty of a class 6 felony. **A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 11**
42 **OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY.**
43 H. For the purposes of this section:
44 1. "Animal" means a mammal, bird, reptile or amphibian.
45 2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury
46 upon an animal or to kill an animal in a manner that causes protracted suffering to the animal.
47 3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
48 4. "Handler" means a law enforcement officer or any other person who has successfully completed
49 a course of training prescribed by the person's agency or the service animal owner and who used a specially
50 trained animal under the direction of the person's agency or the service animal owner.

1 **6. 5. "Working LAW ENFORCEMENT animal"** means a horse or dog that is used by a law
2 enforcement agency, that is specially trained for law enforcement work and that is under the control of a
3 handler.

4 ~~5.~~ **6. "Service animal"** means an animal that has completed a formal training program, that assists
5 its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to
6 not pose a danger to the health and safety of the general public.

7 Sec. 6. Section 41-2401, Arizona Revised Statutes, is amended to read:

8 **41-2401. Criminal justice enhancement fund**

9 A. The criminal justice enhancement fund is established consisting of monies collected pursuant to
10 section 12-116.01 and monies available from any other source. The state treasurer shall administer the fund.

11 B. On or before November 1 of each year, each department, agency or office that receives monies
12 pursuant to this section shall provide to the Arizona criminal justice commission a report for the preceding
13 fiscal year. The report shall be in a form prescribed by the Arizona criminal justice commission and shall be
14 reviewed by the director of the joint legislative budget committee. The report shall set forth the sources of
15 all monies and all expenditures. The report shall not include any identifying information about specific
16 investigations.

17 C. On or before December 1 of each year, the Arizona criminal justice commission shall compile all
18 reports into a single comprehensive report and shall submit a copy of the comprehensive report to the
19 governor, the president of the senate, the speaker of the house of representatives and the director of the joint
20 legislative budget committee.

21 D. On the first day of each month, the state treasurer shall distribute or deposit:

22 1. 6.46 per cent in the Arizona automated fingerprint identification system fund established by
23 section 41-2414.

24 2. 1.61 per cent to the department of juvenile corrections for the treatment and rehabilitation of
25 youth who have committed drug-related offenses.

26 3. 16.64 per cent in the peace officers' training fund established by section 41-1825.

27 4. 3.03 per cent in the prosecuting attorneys' advisory council training fund established by section
28 41-1830.03.

29 5. 9.35 per cent to the supreme court for the purpose of reducing juvenile crime.

30 6. 8.56 per cent to the department of public safety. Fifteen per cent of the monies shall be allocated
31 for deposit in the Arizona deoxyribonucleic acid identification system fund established by section
32 41-2419. Eighty-five per cent of the monies shall be allocated to state and local law enforcement authorities
33 for the following purposes:

34 (a) To enhance projects that are designed to prevent residential and commercial burglaries, to
35 control street crime, including the activities of criminal street gangs, and to locate missing children.

36 (b) To provide support to the Arizona automated fingerprint identification system.

37 (c) Operational costs of the criminal justice information system.

38 (d) **TO PURCHASE PROTECTIVE GEAR FOR LAW ENFORCEMENT ANIMALS.**

39 7. 9.35 per cent to the department of law for allocation to county attorneys for the purpose of
40 enhancing prosecutorial efforts.

41 8. 6.02 per cent to the supreme court for the purpose of enhancing the ability of the courts to
42 process criminal and delinquency cases, orders of protection, injunctions against harassment and any
43 proceeding relating to domestic violence matters, for auditing and investigating persons or entities licensed
44 or certified by the supreme court and for processing judicial discipline cases. Notwithstanding section
45 12-143, subsection A, the salary of superior court judges pro tempore who are appointed for the purposes
46 provided in this paragraph shall, and the salary of other superior court judges pro tempore who are
47 appointed pursuant to section 12-141 for the purposes provided in this paragraph may, be paid in full by the
48 monies received pursuant to this paragraph.

49 9. 11.70 per cent to the state department of corrections for allocation to county sheriffs for the
50 purpose of enhancing county jail facilities and operations, including county jails under the jurisdiction of
51 county jail districts.

52 10. 1.57 per cent to the Arizona criminal justice commission.

1 11. 9.00 per cent to the state general fund.
2 12. 2.30 per cent in the crime laboratory assessment fund established by section 41-2415.
3 13. 7.68 per cent in the victims' rights fund established by section 41-191.08.
4 14. 4.60 per cent in the victim compensation and assistance fund established by section 41-2407.
5 15. 2.13 per cent to the supreme court for the purpose of providing drug treatment services to adult
6 probationers through the community punishment program established in title 12, chapter 2, article 11.
7 E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9, 11, 12, 13 and 14 of this
8 section constitute a continuing appropriation. Monies distributed pursuant to subsection D, paragraphs 1, 2,
9 5, 8, 10 and 15 of this section are subject to legislative appropriation.
10 F. The portion of the eighty-five per cent of the monies for direct operating expenses of the
11 department of public safety in subsection D, paragraph 6 of this section is subject to legislative
12 appropriation. The remainder of the monies in subsection D, paragraph 6 of this section including the
13 portion of the eighty-five per cent for local law enforcement is continuously appropriated.
14 G. The allocation of monies pursuant to subsection D, paragraphs 6, 7, 8 and 9 of this section shall
15 be made in accordance with rules adopted by the Arizona criminal justice commission pursuant to section
16 41-2405.
17 Sec. 7. Section 41-2419, Arizona Revised Statutes, is amended to read:
18 41-2419. Arizona deoxyribonucleic acid identification system fund
19 A. The Arizona deoxyribonucleic acid identification system fund is established. The Arizona
20 deoxyribonucleic acid identification system fund consists of monies collected pursuant to section 12-116.01
21 and distributed pursuant to section 41-2401, subsection D, paragraph 6, monies collected pursuant to section
22 12-116.01, subsection C and distributed pursuant to section 12-116.01, subsection ~~J~~ K and monies
23 contributed to the fund from any other source. On notice from the department of public safety, the state
24 treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from
25 investment shall be credited to the fund.
26 B. The department of public safety shall administer the fund.
27 C. Subject to legislative appropriation, monies in the fund shall be used for implementing, operating
28 and maintaining deoxyribonucleic acid testing and for the costs of administering the system.