

# Fiscal Note

**BILL #** HB 2103

**TITLE:** ~~traumatic event counseling; constables~~ NOW:  
constables; traumatic event counseling

**SPONSOR:** Payne

**STATUS:** House Engrossed

**PREPARED BY:** Mitch Wenzel

## Description

The bill would clarify that constables and deputy constables are peace officers and eligible for trauma-related counseling following certain events.

## Estimated Impact

To the extent that counties do not currently offer these services to constables and deputy constables, we estimate the bill could have a fiscal impact on counties.

Neither the Arizona Department of Administration (ADOA) nor the Arizona Association of Counties have responded to our requests for information. Given the lack of information, we cannot estimate the magnitude of the impact.

## Analysis

Constables are elected officials who serve as an officer of the county justice courts. A constable's primary duties include serving eviction notices, orders of protection, civil and criminal summonses, and providing security to the justice courts. Depending on the size and caseload of a justice court precinct, and with the approval of the county board of supervisors, a constable may appoint deputies and staff. Constables and deputy constables are county employees.

Under current law, state and local governments must provide peace officers 12 visits of licensed counseling following traumatic events, such as witnessing a death, responding to, or being directly involved in a criminal investigation involving a dangerous crime against children, or using or subjected to deadly force in the line of duty. Statute also requires the state or local government to provide an additional 24 counseling visits if the licensed mental health professional determines the peace officer requires additional visits. Additionally, if the licensed mental health professional determines that the peace officer is not fit for duty while they are receiving treatment, the employers are required to ensure that peace officers receive pay and benefits up to 30 days after the mental health professional determines the employee is not fit for duty.

Current statute does not define peace officers for the purposes of qualifying for trauma counseling. The bill would clarify that constables and deputy constables are peace officers and eligible for these services. There are currently 92 constables and deputy constables in Arizona.

Current statute requires that ADOA compile data from the state and political subdivisions and produce an annual report on peace officers' usage of trauma-related counseling. We were unable to find any record of this report and have requested this information from ADOA. ADOA has not yet responded to our request.

## Local Government Impact

See above.

2/28/24

