



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: MAPS DPA 11-4-0-0

HB 2326: peace officer nonlethal device fund

Sponsor: Representative Payne, LD 27

Caucus & COW

Overview

Creates the Peace Officer Nonlethal Device Fund (Fund) and institutes a \$2 assessment on various fines and penalties to be deposited in the Fund.

History

Arizona law imposes various surcharges and assessments on fines and penalties. As of 2019, the assessment imposed totaled \$44 per fine, and the surcharges imposed totaled 78% per fine. Thus, with a base fine of \$100, these surcharges and fines would increase the payment to \$222 — the base \$100, plus the \$44 assessment, plus the 78% surcharge which would be \$78. In FY 2018, \$75.8 million was collected from these surcharges and assessments ([JLBC, Court Surcharges and Assessments](#)).

Provisions

1. Creates a \$2 penalty assessment on every fine, penalty or forfeiture imposed for a:
 - a) criminal offence;
 - b) civil traffic violation; and
 - c) violation of the motor vehicle statutes or for any local ordinance relating to the stopping, standing or operation of a vehicle (Penalty Assessment). (Sec. 1)
2. Directs courts to transmit the collected Penalty Assessments, as well as a remittance report of the Penalty Assessments, to their respective county treasurers, or in the case of municipal courts, municipal treasurers. (Sec. 1)
3. Directs the county and municipal treasurers to deposit Penalty Assessment monies in the Fund. (Sec. 1)
4. Permits the court to mitigate the Penalty Assessment in cases of financial or other hardships. (Sec. 1)
5. Establishes the Fund under the administration of the State Treasurer. (Sec. 2)
6. Designates monies in the fund as subject to legislative appropriation. (Sec. 2)
7. Requires monies in the Fund to be used only for nonlethal devices for peace officers that do not cause permanent harm or injury. (Sec. 2)
8. Instructs the State Treasurer to invest and divest Fund monies in accordance with existing state law. (Sec. 2)
9. Specifies that monies earned from investment of Fund monies are to be credited to the Fund. (Sec. 2)
10. Exempts Fund monies from lapsing. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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Amendments

Committee on Military Affairs and Public Safety

1. Removes the \$2 penalty assessment.
2. Directs \$2 from a \$9 assessment, on every individual charged with a civil or criminal traffic offence who attends a court authorized diversion program, to the Fund.
3. Decreases the Peace Officer Training Equipment Fund assessment, which is taken from the aforesaid \$9 assessment, from \$4 to \$2.