

House Engrossed

critical incident bureau; establishment; DPS

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2650

AN ACT

AMENDING SECTION 41-1712, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.1; APPROPRIATING MONIES; RELATING TO PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1712, Arizona Revised Statutes, is amended to
3 read:

4 41-1712. Organization of department; divisions

5 A. The department shall consist of the following divisions:

- 6 1. Arizona highway patrol.
- 7 2. Narcotics enforcement and criminal investigation.
- 8 3. Scientific criminal analysis.
- 9 4. Training and education.
- 10 5. MAJOR INCIDENT DIVISION.

11 B. The department may establish district headquarters and stations
12 at various places in the state, using existing facilities wherever
13 possible, with the personnel and equipment necessary for the proper
14 functioning and operation of the headquarters and stations.

15 C. The director may establish other divisions or reserves or
16 reorganize or consolidate the department.

17 Sec. 2. Title 41, chapter 12, Arizona Revised Statutes, is amended
18 by adding article 4.1, to read:

19 ARTICLE 4.1. MAJOR INCIDENT DIVISION

20 41-1762. Major incident division; superintendent;
21 qualifications; powers; jurisdiction; definition

22 A. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DEPARTMENT SHALL
23 MAINTAIN A DIVISION KNOWN AS THE MAJOR INCIDENT DIVISION.

24 B. THE SUPERINTENDENT OF THE MAJOR INCIDENT DIVISION SHALL BE
25 SELECTED ON THE BASIS OF TRAINING AND EXPERIENCE AND HAVE A MINIMUM OF
26 FIVE YEARS OF EXPERIENCE IN THE ADMINISTRATION OF LAW ENFORCEMENT AND BE A
27 CERTIFIED PEACE OFFICER.

28 C. THE DIRECTOR MAY ADOPT RULES GOVERNING THE POLICIES, PROCEDURES
29 AND ADMINISTRATION OF ALL ACTIVITIES OF THE MAJOR INCIDENT DIVISION.

30 D. THE MAJOR INCIDENT DIVISION SHALL:

31 1. USE INVESTIGATORS WHO ARE CERTIFIED BY THE ARIZONA PEACE OFFICER
32 STANDARDS AND TRAINING BOARD AND WHO HAVE SUCCESSFULLY COMPLETED
33 INVESTIGATIVE COURSES IDENTIFIED BY THE DIRECTOR AND APPROVED BY THE
34 ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD TO CONDUCT INDEPENDENT
35 INVESTIGATIONS OF CRITICAL FORCE INCIDENTS. EACH LAW ENFORCEMENT AGENCY
36 IN THIS STATE SHALL REQUIRE THE MAJOR INCIDENT DIVISION, A REGIONAL LAW
37 ENFORCEMENT TASK FORCE OR ANOTHER LAW ENFORCEMENT AGENCY TO PERFORM THE
38 CRIMINAL INVESTIGATION OF ANY CRITICAL FORCE INCIDENTS IN THIS STATE.

39 2. AT THE WRITTEN REQUEST OF A CHIEF OF POLICE OR A COUNTY SHERIFF,
40 INVESTIGATE A CRIMINAL ALLEGATION AGAINST A PEACE OFFICER EMPLOYED BY THE
41 LAW ENFORCEMENT AGENCY.

1 E. FOR THE PURPOSES OF THIS SECTION, "CRITICAL FORCE INCIDENT"
2 MEANS:

3 1. ANY DISCHARGE OF A FIREARM BY A PEACE OFFICER, DUE TO A USE OF
4 FORCE ENCOUNTER, REGARDLESS OF WHETHER IT RESULTS IN THE INJURY OR DEATH
5 OF AN INDIVIDUAL.

6 2. AN INCIDENT INVOLVING A PEACE OFFICER'S INTENDED USE OF DEADLY
7 FORCE OR USE OF FORCE BY ANY OTHER MEANS THAT RESULTS IN DEATH OR SERIOUS
8 BODILY INJURY OF ANOTHER PERSON, EITHER DURING AN ON-DUTY INCIDENT OR
9 OFF-DUTY INCIDENT WHILE ACTING UNDER THE COLOR OF AUTHORITY.

10 Sec. 3. Appropriations; major incident division; task forces;
11 exemption

12 A. The sum of \$24,400,000 is appropriated from the state general
13 fund in fiscal year 2022-2023 to the department of public safety to
14 establish and maintain a major incident division.

15 B. The sum of \$600,000 is appropriated from the state general fund
16 in fiscal year 2022-2023 to the Arizona criminal justice commission to
17 distribute to regional law enforcement task forces.

18 C. The appropriations made in subsection A and B of this section
19 are exempt from the provisions of section 35-190, Arizona Revised
20 Statutes, relating to lapsing of appropriations.

21 Sec. 4. Effective date

22 Section 41-1712, Arizona Revised Statutes, as amended by this act,
23 and title 41, chapter 12, article 4.1, Arizona Revised Statutes, as added
24 by this act, are effective from and after June 30, 2025.

41-1762. Major incident division; superintendent; qualifications; powers; jurisdiction; definition

(Eff. 7/1/25)

A. Subject to legislative appropriation, the department shall maintain a division known as the major incident division.

B. The superintendent of the major incident division shall be selected on the basis of training and experience and have a minimum of five years of experience in the administration of law enforcement and be a certified peace officer.

C. The director may adopt rules governing the policies, procedures and administration of all activities of the major incident division.

D. The major incident division shall:

1. Use investigators who are certified by the Arizona peace officer standards and training board or who were sworn employees of a federal, state, county or local law enforcement agency, who have demonstrated the skills, knowledge, abilities and training as approved by the director and who have successfully completed investigative courses identified by the director and approved by the Arizona peace officer standards and training board to conduct independent investigations of critical force incidents. If an investigator described in this paragraph was employed by a federal, state, county or local law enforcement agency, the investigator must:

(a) Have retired or left the law enforcement agency in good standing.

(b) Not have been under investigation at the time of retirement or resignation from the law enforcement agency.

(c) Not have retired or resigned in lieu of termination or discipline.

(d) If a veteran of the United States military, have been honorably discharged.

2. At the written request of a chief of police or a county sheriff, investigate a criminal allegation against a peace officer who is employed by the law enforcement agency.

E. Each law enforcement agency in this state shall require the major incident division, a regional law enforcement task force or another law enforcement agency to perform the criminal investigation of any critical force incidents in this state.

F. For the purposes of this section, "critical force incident" means:

1. Any discharge of a firearm by a peace officer, due to a use of force encounter, regardless of whether it results in the injury or death of an individual.

2. An incident involving a peace officer's intended use of deadly force or use of force by any other means that results in death or serious bodily injury of another person, either during an on-duty incident or off-duty incident while acting under the color of authority.