

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

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2448

Introduced by
Representatives Lopez, Ableser, Bradley, Garcia M, Pancrazi, Sinema, Senators Aboud,
Pesquiera: Representatives Brown, Cajero Bedford, Campbell CL, McGuire

AN ACT

AMENDING SECTIONS 12-114.01, 12-116.01, 13-702, 13-2910 AND 41-2419,
ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 8, ARIZONA
REVISED STATUTES, BY ADDING SECTION 13-824; AMENDING TITLE 41,
CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 41-2408; 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
5 provided by law, a probation surcharge of ten dollars shall be levied on every fine, penalty and
6 forfeiture imposed and collected by the superior, justice and municipal courts for criminal offenses
7 and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture
8 for a violation of the motor vehicle statutes, for a violation of any local ordinance relating to the
9 stopping, standing or operation of a vehicle, except parking violations, or for a violation of the game
10 and fish statutes in title 17.

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

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

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

20 **12-116.01. Assessments; fund deposits**

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

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

33 C. In addition to any other penalty assessment provided by law, an additional penalty
34 assessment shall be levied through December 31, 2011 in an amount of seven per cent, and beginning
35 on January 1, 2012 in an amount of six per cent, on every fine, penalty and forfeiture imposed and
36 collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil
37 traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any
38 local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the
39 game and fish statutes in title 17.

40 **D. IN ADDITION TO ANY OTHER PENALTY ASSESSMENT PROVIDED BY LAW, AN
41 ADDITIONAL PENALTY ASSESSMENT SHALL BE LEVIED IN AN AMOUNT OF .04 PER
42 CENT ON EVERY FINE, PENALTY AND FORFEITURE IMPOSED AND COLLECTED BY THE
43 COURTS FOR CRIMINAL OFFENSES AND ANY CIVIL PENALTY IMPOSED AND
44 COLLECTED FOR A CIVIL TRAFFIC VIOLATION AND FINE, PENALTY OR FORFEITURE
45 FOR A VIOLATION OF THE MOTOR VEHICLE STATUTES, FOR ANY LOCAL ORDINANCE
46 RELATING TO THE STOPPING, STANDING OR OPERATION OF A VEHICLE OR FOR A
47 VIOLATION OF THE GAME AND FISH STATUTES IN TITLE 17.**

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

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

~~F.~~ **G.** The judge may waive all or part of the civil penalty, fine, forfeiture and penalty assessment, except for mandatory civil penalties and fines, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil penalty is mandatory, the judge may waive only all or part of the penalty assessments prescribed by subsections A, B, ~~and C~~ **AND D** of this section and section 12-116.02. If a fine or civil penalty is not mandatory and if a portion of the civil penalty, fine, forfeiture and penalty assessment is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, bail or bond and the penalty assessment represent of the total amount due.

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

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

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

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

L. THE APPROPRIATE AUTHORITIES SPECIFIED IN SUBSECTION H OF THIS SECTION SHALL TRANSMIT THE .04 PER CENT PENALTY ASSESSMENT PRESCRIBED IN SUBSECTION D OF THIS SECTION AND THE REMITTANCE REPORT AS REQUIRED IN SUBSECTION H OF THIS SECTION TO THE STATE TREASURER ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH FOR DEPOSIT IN THE LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR FUND ESTABLISHED BY SECTION 41-2408.

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

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

13-702. Sentencing; definition

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

	<u>Minimum</u>	<u>Maximum</u>
1. For a class 2 felony	4 years	10 years
2. For a class 3 felony	2.5 years	7 years
3. For a class 4 felony	1.5 years	3 years
4. For a class 5 felony	9 months	2 years
5. For a class 6 felony	6 months	1.5 years

B. The upper or lower term imposed pursuant to section 13-604, 13-604.01, 13-604.02, 13-702.01 or 13-710 or subsection A of this section may be imposed only if one or more of the circumstances alleged to be in aggravation of the crime are found to be true by the trier of fact beyond a reasonable doubt or are admitted by the defendant, except that an alleged aggravating circumstance

1 under subsection C, paragraph 11 of this section shall be found to be true by the court, or in
2 mitigation of the crime are found to be true by the court, on any evidence or information introduced
3 or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and
4 factual findings and reasons in support of such findings are set forth on the record at the time of
5 sentencing.

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

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

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

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

18 4. Presence of an accomplice.

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

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

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

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

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

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

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

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

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

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

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

43 16. The defendant was convicted of a violation of section 13-1102, section 13-1103, section
44 13-1104, subsection A, paragraph 3 or section 13-1204, subsection A, paragraph 1 or 2 arising from an
45 act that was committed while driving a motor vehicle and the defendant's alcohol concentration at the
46 time of committing the offense was 0.15 or more. For the purposes of this paragraph, "alcohol
47 concentration" has the same meaning prescribed in section 28-101.

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

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

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

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

1 21. The defendant was in violation of 8 United States Code section 1323, 1324, 1325, 1326 or
2 1328 at the time of the commission of the offense.

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

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

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

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

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

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

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

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

20 **24. DURING OR IMMEDIATELY FOLLOWING THE COMMISSION OF THE OFFENSE,
21 SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW ENFORCEMENT ANIMAL
22 OCCURRED.**

23 ~~24.~~ 25. Any other factor that the state alleges is relevant to the defendant's character or
24 background or to the nature or circumstances of the crime.

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

27 1. The age of the defendant.

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

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

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

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

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

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

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

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

51 G. Notwithstanding any other provision of this title, if a person is convicted of any class 6
52 felony not involving the intentional or knowing infliction of serious physical injury or the discharge,
53 use or threatening exhibition of a deadly weapon or dangerous instrument and if the court, having
54 regard to the nature and circumstances of the crime and to the history and character of the defendant,
55 is of the opinion that it would be unduly harsh to sentence the defendant for a felony, the court may

1 enter judgment of conviction for a class 1 misdemeanor and make disposition accordingly or may place
2 the defendant on probation in accordance with chapter 9 of this title and refrain from designating the
3 offense as a felony or misdemeanor until the probation is terminated. The offense shall be treated as
4 a felony for all purposes until such time as the court may actually enter an order designating the
5 offense a misdemeanor. This subsection does not apply to any person who stands convicted of a class
6 6 felony and who has previously been convicted of two or more felonies. If a crime or public offense
7 is punishable in the discretion of the court by a sentence as a class 6 felony or a class 1 misdemeanor,
8 the offense shall be deemed a misdemeanor if the prosecuting attorney:

9 1. Files an information in superior court designating the offense as a misdemeanor.

10 2. Files a complaint in justice court or municipal court designating the offense as a
11 misdemeanor within the jurisdiction of the respective court.

12 3. Files a complaint, with the consent of the defendant, before or during the preliminary
13 hearing amending the complaint to charge a misdemeanor.

14 H. For the purposes of this section, "trier of fact" means a jury, unless the defendant and
15 the state waive a jury in which case the trier of fact means the court.

16 Sec. 4. Title 13, chapter 8, Arizona Revised Statutes, is amended by adding section 13-824, to
17 read:

18 **13-824. Restitution; law enforcement animals**

19 **A. IN ADDITION TO ANY RESTITUTION THAT IS ORDERED PURSUANT TO
20 SECTION 13-603, SUBSECTION C OR SECTION 13-804, IF THE DEFENDANT IS CONVICTED
21 OF ANY OFFENSE THAT RESULTED IN SERIOUS PHYSICAL INJURY TO OR THE DEATH
22 OF A LAW ENFORCEMENT ANIMAL, THE COURT SHALL REQUIRE THE CONVICTED
23 PERSON TO MAKE RESTITUTION TO THE LAW ENFORCEMENT AGENCY THAT OWNED
24 THE ANIMAL IN THE FULL AMOUNT OF THE ECONOMIC LOSS AS DETERMINED BY THE
25 COURT AND IN THE MANNER AS DETERMINED BY THE COURT OR THE COURT'S
26 DESIGNEE PURSUANT TO THIS CHAPTER.**

27 **B. RESTITUTION THAT IS ORDERED PURSUANT TO THIS SECTION SHALL BE
28 PAID TO THE CLERK OF THE COURT FOR DISBURSEMENT TO THE LAW
29 ENFORCEMENT AGENCY AND IS A CRIMINAL PENALTY FOR THE PURPOSES OF A
30 FEDERAL BANKRUPTCY INVOLVING THE PERSON CONVICTED OF AN OFFENSE.**

31 Sec. 5. Section 13-2910, Arizona Revised Statutes, is amended to read:

32 **13-2910. Cruelty to animals; interference with law enforcement or service
33 animal; classification; definitions**

34 A. A person commits cruelty to animals if the person does any of the following:

35 1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or
36 control to cruel neglect or abandonment.

37 2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to
38 prevent protracted suffering to any animal under the person's custody or control.

39 3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.

40 4. Recklessly subjects any animal to cruel mistreatment.

41 5. Intentionally, knowingly or recklessly kills any animal under the custody or control of
42 another person without either legal privilege or consent of the owner.

43 6. Recklessly interferes with, kills or harms a ~~working-or-service~~ **LAW ENFORCEMENT**
44 **animal without either legal privilege or consent of the owner.**

45 **7. RECKLESSLY INTERFERES WITH, KILLS OR HARMS A SERVICE ANIMAL**
46 **WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.**

47 ~~7.~~ **8. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a**
48 **motor vehicle and physical injury to or death of the animal is likely to result.**

49 ~~8.~~ **9. Intentionally or knowingly subjects any animal under the person's custody or control to**
50 **cruel neglect or abandonment that results in serious physical injury to the animal.**

51 ~~9.~~ **10. Intentionally or knowingly subjects any animal to cruel mistreatment.**

52 ~~10.~~ **11. Intentionally or knowingly interferes with, kills or harms a ~~working-or-service~~ **LAW****
53 **ENFORCEMENT animal without either legal privilege or consent of the owner.**

54 **12. INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A**
55 **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
2 control to 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
4 with, kill or cause physical injury to a service animal.

5 ~~13~~ 15. Intentionally or knowingly obtains or exerts unauthorized control over a service animal
6 with 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
9 poison to be taken by predatory animals on premises owned, leased or controlled by the person for the
10 purpose of protecting the person or the person's livestock or poultry, ~~and~~ the treated property is kept
11 posted by the person who authorized or performed the treatment until the poison has been removed,
12 and the poison is removed by the person exposing the poison after the threat to the person, or the
13 person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning
14 to persons who enter the property by the point or points of normal entry. The warning notice that is
15 posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and
16 shall state the word "danger" or "warning".

17 2. Any person uses poisons in and immediately around buildings owned, leased or controlled
18 by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the
19 laws of the state, 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
26 may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as
27 prescribed in 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
29 of this section is liable as follows:

30 1. If the ~~working~~ LAW ENFORCEMENT or service animal was killed or disabled, to the
31 owner or agency that owns the ~~working~~ LAW ENFORCEMENT or service animal and that employs
32 the handler or to the owner or handler for the replacement and training costs of the ~~working~~ LAW
33 ENFORCEMENT or service animal and for any veterinary bills.

34 2. To the owner or agency that owns a ~~working~~ LAW ENFORCEMENT or service animal for
35 the salary of the handler for the period of time that the handler's services are lost to the owner or
36 agency.

37 3. To the owner for the owner's contractual losses with the agency.

38 F. An incorporated city or town or a county may adopt an ordinance with misdemeanor
39 provisions at least as stringent as the misdemeanor provisions of this section.

40 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, ~~6~~, 7, 8 or ~~12~~ 14 of this section
41 is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 6, ~~8~~, 9, 10, ~~11~~ or
42 12, 13 OR 15 of this section is guilty of a class 6 felony. A PERSON WHO VIOLATES
43 SUBSECTION A, PARAGRAPH 11 OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

44 H. For the purposes of this section:

45 1. "Animal" means a mammal, bird, reptile or amphibian.

46 2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical
47 injury ~~upon~~ ON an animal or to kill an animal in a manner that causes protracted suffering to the
48 animal.

49 3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.

50 4. "Handler" means a law enforcement officer or any other person who has successfully
51 completed a course of training prescribed by the person's agency or the service animal owner and who
52 used a specially trained animal under the direction of the person's agency or the service animal owner.

53 ~~6~~ 5. "Working LAW ENFORCEMENT animal" means a horse or dog that is used by a law
54 enforcement agency, that is specially trained for law enforcement work and that is under the control of
55 a handler.

1 ~~5-~~ 6. "Service animal" means an animal that has completed a formal training program, that
2 assists its owner in one or more daily living tasks that are associated with a productive lifestyle and
3 that is trained to not pose a danger to the health and safety of the general public.

4 Sec. 6. Title 41, chapter 21, article 1, Arizona Revised Statutes, is amended by adding section
5 41-2408, to read:

6 41-2408. Law enforcement animal protective gear fund; grants to law enforcement
7 agencies

8 A. THE LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR FUND IS
9 ESTABLISHED CONSISTING OF MONIES COLLECTED PURSUANT TO SECTION 12-116.01,
10 SUBSECTION D AND DISTRIBUTED PURSUANT TO SECTION 12-116.01, SUBSECTION L.
11 MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE ARIZONA
12 CRIMINAL JUSTICE COMMISSION SHALL ADMINISTER THE FUND AND ESTABLISH AND
13 ADOPT PROCEDURES FOR THE ALLOCATION OF THE MONIES IN THE FUND.

14 B. LAW ENFORCEMENT AGENCIES MAY APPLY FOR LAW ENFORCEMENT
15 ANIMAL PROTECTIVE GEAR FUNDS FROM THE ARIZONA CRIMINAL JUSTICE
16 COMMISSION FOR THE ENSUING FISCAL YEAR ON FORMS THAT ARE PROVIDED BY
17 THE ARIZONA CRIMINAL JUSTICE COMMISSION.

18 C. THE ARIZONA CRIMINAL JUSTICE COMMISSION MAY DISTRIBUTE GRANT
19 MONIES FROM THE FUND TO LAW ENFORCEMENT AGENCIES THAT PROPERLY APPLY
20 TO RECEIVE THE MONIES.

21 D. A LAW ENFORCEMENT AGENCY THAT RECEIVES MONIES THAT ARE
22 DISTRIBUTED PURSUANT TO THIS SECTION SHALL USE THE MONIES SOLELY FOR THE
23 PURCHASE OF LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR.

24 Sec. 7. Section 41-2419, Arizona Revised Statutes, is amended to read:

25 41-2419. Arizona deoxyribonucleic acid identification system fund

26 A. The Arizona deoxyribonucleic acid identification system fund is established. The Arizona
27 deoxyribonucleic acid identification system fund consists of monies collected pursuant to section
28 12-116.01 and distributed pursuant to section 41-2401, subsection D, paragraph 6, monies collected
29 pursuant to section 12-116.01, subsection C and distributed pursuant to section 12-116.01, subsection
30 ~~J~~ K and monies contributed to the fund from any other source. On notice from the department of
31 public safety, the state treasurer shall invest and divest monies in the fund as provided by section
32 35-313, and monies earned from investment shall be credited to the fund.

33 B. The department of public safety shall administer the fund.

34 C. Subject to legislative appropriation, monies in the fund shall be used for implementing,
35 operating and maintaining deoxyribonucleic acid testing and for the costs of administering the system.
36