

House Engrossed

criminal justice commission; data collection

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 101
HOUSE BILL 2166

AN ACT

AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-2408; RELATING TO THE ARIZONA CRIMINAL JUSTICE
COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 21, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-2408, to read:

4 41-2408. Criminal justice data collection; reporting
5 requirements; definition

6 A. THE ARIZONA CRIMINAL JUSTICE COMMISSION IS DESIGNATED AS THE
7 CENTRAL COLLECTION POINT FOR CRIMINAL JUSTICE DATA COLLECTION.

8 B. UNLESS PROHIBITED BY FEDERAL OR STATE LAW, THE ARIZONA CRIMINAL
9 JUSTICE COMMISSION MAY REQUIRE ANY STATE OR LOCAL CRIMINAL JUSTICE AGENCY
10 TO SUBMIT ANY NECESSARY INFORMATION THAT IS CURRENTLY COLLECTED AND
11 READILY REPORTABLE BY THE AGENCY AT THE TIME OF THE REQUEST, INCLUDING AN
12 AGENCY'S COMPLIANCE WITH STATUTORILY REQUIRED REPORTS OR MANDATED FEDERAL
13 OR STATE REPORTING, OR ANY OTHER INFORMATION THAT IS DEEMED NECESSARY BY A
14 VOTE OF THE FULL COMMISSION.

15 C. THIS SECTION DOES NOT AUTHORIZE THE ARIZONA CRIMINAL JUSTICE
16 COMMISSION TO REQUIRE STATE OR LOCAL CRIMINAL JUSTICE AGENCIES TO COLLECT
17 OR MAINTAIN ANY NEW DATA THAT IS NOT REQUIRED UNDER SUBSECTION B OF THIS
18 SECTION.

19 D. FOR THE PURPOSES OF THIS SECTION, "CRIMINAL JUSTICE AGENCY" HAS
20 THE SAME MEANING PRESCRIBED IN SECTION 41-1750.

21 Sec. 2. Arizona criminal justice commission; criminal justice
22 data inventory report

23 A. The Arizona criminal justice commission shall conduct a
24 comprehensive survey of data contained in criminal justice records systems
25 housed at local and state criminal justice agencies, including courts, law
26 enforcement agencies, prosecuting attorney and county and municipal public
27 defender offices, the state department of corrections, the department of
28 juvenile corrections and county and municipal jails in order to create a
29 state criminal justice data inventory report identifying what data is
30 housed at each type of agency.

31 B. On or before August 1, 2022, the Arizona criminal justice
32 commission shall submit the criminal justice data inventory report to the
33 governor, the secretary of state, the speaker of the house of
34 representatives, the president of the senate, the house of representatives
35 minority leader and the senate minority leader and provide a copy of this
36 report to the secretary of state. The Arizona criminal justice commission
37 shall ensure that the reporting is completed in a uniform and consistent
38 manner and that the report is available in an online format on the
39 commission's website.

40 C. The criminal justice data inventory report must contain cost
41 estimates and recommendations on the technology elements that are
42 necessary for the Arizona criminal justice commission to implement a
43 statewide criminal justice data reporting system that is published on the
44 commission's website in a modern, open, electronic format and that is
45 readily accessible to the public. The report must also include, where

1 identifiable, cost estimates for the necessary reprogramming or updating
2 of local and state criminal justice agency data record systems to be able
3 to transmit the required criminal justice data into the statewide
4 reporting system.

5 D. On or before November 1, 2022, the Arizona criminal justice
6 commission shall develop a comprehensive list of the data that local and
7 state criminal justice agencies are required to report into the statewide
8 criminal justice data reporting system after the reporting system becomes
9 operational.

10 Sec. 3. Legislative intent

11 The legislature intends to implement a model for uniform criminal
12 justice data collection by requiring state and local criminal justice
13 agencies to report complete, accurate and timely criminal justice data and
14 to make this information available to the public. The legislature finds
15 that implementing a uniform criminal justice data collection model is an
16 important state interest and promotes criminal justice data transparency.

APPROVED BY THE GOVERNOR MARCH 24, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2021.

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sentencing; judgment of guilt; fingerprints

State of Arizona
House of Representatives
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CHAPTER 74

HOUSE BILL 2075

AN ACT

AMENDING SECTION 13-607, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-607, Arizona Revised Statutes, is amended to
3 read:

4 13-607. Judgment of guilt and sentence document; fingerprint;
5 contents of document; recitations

6 A. At the time of sentencing a person WHO IS convicted of a felony
7 offense, a violation of section 13-1802 or 13-1805, a domestic violence
8 offense as defined in section 13-3601 or a violation of chapter 14 of this
9 title or title 28, chapter 4, the court shall execute a judgment of guilt
10 and sentence document or minute order as prescribed by this section.

11 B. The court ~~or a person appointed by the court~~ shall ~~at the time~~
12 ~~of sentencing and in open court either permanently affix a~~ REQUIRE EITHER
13 THAT THE defendant's fingerprint BE PERMANENTLY AFFIXED to the document or
14 order or ~~obtain and record~~ THAT the defendant's two fingerprint
15 biometric-based identifier BE OBTAINED AND RECORDED in the court case
16 file.

17 C. The document or order shall recite all of the following in
18 addition to any information deemed appropriate by the court:

19 1. The defendant's full name and date of birth.

20 2. The name of the counsel for the defendant or, if counsel was
21 waived, the fact that the defendant knowingly, voluntarily and
22 intelligently waived the defendant's right to counsel after having been
23 fully apprised of the defendant's right to counsel.

24 3. The name, statutory citation and classification of the offense.

25 4. Whether there was a finding by the trier of fact that the
26 offense was of a dangerous or repetitive nature pursuant to section 13-703
27 or 13-704 or was committed while released from confinement pursuant to
28 section 13-708.

29 5. Whether the basis of the finding of guilt was by trial to a jury
30 or to the court, or by plea of guilty or no contest.

31 6. That there was a knowing, voluntary and intelligent waiver of
32 the right to a jury trial if the finding of guilt was based on a trial to
33 the court.

34 7. That there was a knowing, voluntary and intelligent waiver of
35 all pertinent rights if the finding of guilt was based on a plea of guilty
36 or no contest.

37 8. A certification by the court or the clerk of the court that ~~at~~
38 ~~the time of sentencing and in open court that~~ either the defendant's
39 fingerprint was permanently affixed to the document or order or the
40 defendant's two fingerprint biometric-based identifier was obtained and
41 recorded in the court case file.

42 D. The document or order shall be made a permanent part of the
43 public records of the court, and the recitations contained in the document
44 or order are prima facie evidence of the facts stated in the recitations.

45 E. If the supreme court has authorized the clerk of the court to
46 maintain an electronic court record, the clerk may maintain only an
47 electronic reproduction or image of the original document or order.

APPROVED BY THE GOVERNOR MARCH 23, 2021.

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