

REFERENCE TITLE: county sheriffs; powers and duties

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1190

Introduced by
Senator Gray C

AN ACT

AMENDING SECTION 11-441, ARIZONA REVISED STATUTES; RELATING TO COUNTY SHERIFFS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 11-441, Arizona Revised Statutes, is amended to
3 read:
4 11-441. Powers and duties
5 A. The sheriff shall:
6 1. Preserve the peace.
7 2. Arrest and take before the nearest magistrate for examination all
8 persons who attempt to commit or who have committed a public offense.
9 3. Prevent and suppress all affrays, breaches of the peace, riots and
10 insurrections which may come to the knowledge of the sheriff.
11 4. Attend all courts, except justice and municipal courts, when an
12 element of danger is anticipated and attendance is requested by the presiding
13 judge, and obey lawful orders and directions issued by the judge.
14 5. Take charge of and keep the county jail, including a county jail
15 under the jurisdiction of a county jail district, and the prisoners in the
16 county jail, AND TRANSPORT PRISONERS TO COURT FOR COURT APPEARANCES IN THAT
17 COUNTY.
18 6. Endorse upon all process and notices the year, month, day, hour and
19 minute of reception, and issue to the person delivering it, on payment of
20 fees, a certificate showing the names of the parties, title of paper and time
21 of reception.
22 7. Serve process and notices in the manner prescribed by law and
23 certify under the sheriff's hand upon the process or notices the manner and
24 time of service, or if the sheriff fails to make service, the reasons for
25 failure, and return them without delay. When returnable to another county,
26 the sheriff may enclose such process or notices in an envelope, addressed to
27 the officer from whom received, and deposit it postage prepaid in the post
28 office. The return of the sheriff is prima facie evidence of the facts
29 stated in the return.
30 8. Secure, as soon as possible, the home of a deceased person located
31 outside the boundaries of an incorporated city or town if the sheriff is
32 unable to determine or locate the heirs or executor of the deceased person.
33 B. The sheriff may in the execution of the duties prescribed in
34 subsection A, paragraphs 1 through 4 command the aid of as many inhabitants
35 of the county as the sheriff deems necessary.
36 C. The sheriff shall conduct or coordinate within the county search or
37 rescue operations involving the life or health of any person, or may assist
38 in such operations in another county at the request of that county's sheriff,
39 and may request assistance from any persons or agencies in the fulfillment of
40 duties under this subsection.
41 D. The sheriff, in the execution of the duties prescribed in this
42 section, may request the aid of volunteer posse and reserve organizations
43 located in the county.
44 E. The sheriff may assist in the execution of the duties prescribed in
45 this section in another county at the request of that county's sheriff.

1 F. The sheriff may require any prisoner who is on work release to
2 reimburse the county for reasonable expenses incurred in connection with the
3 release.

4 G. The board of supervisors of a county bordering the Republic of
5 Mexico may adopt an ordinance pursuant to chapter 2 of this title allowing
6 the sheriff to prevent the entry from this state into the republic of Mexico
7 at the border by any resident of this state who is under eighteen years of
8 age if the minor is unaccompanied by a parent or guardian or does not have
9 written consent for entry from a parent or guardian. The authority of the
10 sheriff is only to prevent entry and not to otherwise detain the minor. This
11 subsection shall not be construed to limit the authority of the sheriff
12 pursuant to any other law. A county is not civilly or criminally liable for
13 not adopting an ordinance pursuant to this subsection.