

REFERENCE TITLE: drug and gang enforcement account

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SB 1344

Introduced by  
Senator Gray C

AN ACT

AMENDING SECTION 41-2402, ARIZONA REVISED STATUTES; 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. Section 41-2402, Arizona Revised Statutes, is amended to  
3 read:

4 41-2402. Drug and gang enforcement account

5 A. A drug and gang enforcement account is established within the  
6 criminal justice enhancement fund consisting of monies appropriated to the  
7 account by the legislature and any other monies available from other sources,  
8 public or private, to be used for the purpose of enhancing efforts to deter,  
9 investigate, prosecute, adjudicate and punish drug offenders and members of  
10 criminal street gangs as defined in section ~~13-2301~~ 13-105.

11 B. The ARIZONA criminal justice commission shall distribute monies  
12 from the drug and gang enforcement account in the following manner:

13 1. Up to ~~thirty~~ FIFTY per cent to fund ~~programs and~~ LAW ENFORCEMENT  
14 agencies approved by the commission to enhance BOTH:

15 (a) The investigation of drug and gang offenses and related criminal  
16 activity.

17 (b) DRUG AND GANG EDUCATION AND PREVENTION PROGRAMS.

18 2. Up to ~~thirty~~ FIFTY per cent to fund programs and agencies approved  
19 by the commission to enhance the state, ~~and~~ county, CITY OR TOWN prosecution  
20 of drug and gang offenses and related criminal activity.

21 ~~3. Up to ten per cent to fund programs and agencies approved by the~~  
22 ~~commission to enhance the city or town prosecution of drug and gang offenses~~  
23 ~~and related criminal activity.~~

24 ~~4. 3.~~ Up to thirty per cent to fund programs and agencies approved by  
25 the commission for the purpose of enhancing the ability of the courts to  
26 process drug and gang offenses and related criminal cases, either through the  
27 appointment of judges pro tempore or the establishment of additional  
28 divisions of the courts only for the purposes of this section, enhancing  
29 defense and probation services, including treatment, and funding the drug  
30 testing program.

31 ~~5. 4.~~ Up to thirty per cent to fund programs by county sheriffs AND  
32 THE STATE DEPARTMENT OF CORRECTIONS, as approved by the commission, to  
33 enhance DRUG OFFENDER TREATMENT PROGRAMS AND the jail operations and  
34 facilities available to detain and incarcerate drug offenders and members of  
35 criminal street gangs as defined in section ~~13-2301~~ 13-105.

36 5. UP TO THIRTY PER CENT TO FUND PROGRAMS AND AGENCIES, AS APPROVED BY  
37 THE COMMISSION, TO ENHANCE THE INTEGRATION OF CRIMINAL JUSTICE RECORDS  
38 RELATING TO DRUG AND GANG OFFENDERS AND THEIR RELATED CRIMINAL ACTIVITY.

39 C. Before any monies are expended from the account, the criminal  
40 justice commission shall submit to the joint legislative budget committee a  
41 plan of proposed expenditures from the account and the anticipated fiscal and  
42 operational impact of those expenditures on all state and local agencies.

43 D. Any state agency ~~which~~ THAT receives monies allocated from this  
44 account shall not include such monies as part of its continuation budget base  
45 for the purpose of requesting appropriations for the following fiscal year.

1           E. All the monies allocated from this account shall be dedicated  
2 solely to the purpose of enhancing efforts to deter, investigate, prosecute,  
3 adjudicate and punish drug and gang and related criminal offenders, except  
4 those monies allocated pursuant to subsection H of this section.

5           F. Notwithstanding the limitations prescribed in subsection B of this  
6 section, any federal monies or matching state monies in the drug and gang  
7 enforcement account may only be allocated by the commission pursuant to a  
8 plan approved by the federal government.

9           G. The auditor general shall annually perform a full and complete  
10 audit of the fund or the commission shall annually contract with an  
11 accounting firm to perform the audit and deliver a report to the governor and  
12 the legislature. The audit shall be charged to the drug and gang enforcement  
13 account.

14           H. A resource center fund is established consisting of monies received  
15 pursuant to section 12-284.03, **SUBSECTION A**, paragraph 1 and all monies  
16 received from public or private gifts, grants or other sources, excluding  
17 federal monies and monies to be passed through to other entities, to be used  
18 solely for the purpose of funding the Arizona drug and gang prevention  
19 resource center. Monies in the fund are subject to legislative  
20 appropriation. Any monies unexpended or unencumbered on June 30 of each year  
21 shall not be subsequently expended or encumbered unless reappropriated. No  
22 monies in the drug and gang enforcement account except those received  
23 pursuant to this subsection shall be used to fund the Arizona drug and gang  
24 prevention resource center. Monies that are received by the center pursuant  
25 to this subsection are subject to the reporting requirements prescribed in  
26 section 41-617.01.