

REFERENCE TITLE: county anti-racketeering revolving funds; advertisements

State of Arizona
House of Representatives
Forty-eighth Legislature
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HB 2547

Introduced by
Representatives Sinema, Ableser, Lopes, Lujan: Brown, Campbell CH,
DeSimone, Farley, Gallardo, Prezelski, Schapira, Thrasher

AN ACT

AMENDING SECTION 13-2314.03, ARIZONA REVISED STATUTES; RELATING TO ORGANIZED
CRIME AND FRAUD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2314.03, Arizona Revised Statutes, is amended to
3 read:

4 13-2314.03. County anti-racketeering revolving fund; use of
5 fund; reports

6 A. The board of supervisors of a county shall establish a county
7 anti-racketeering revolving fund administered by the county attorney under
8 the conditions and for the purposes provided by this section.

9 B. Any prosecution and investigation costs, including attorney fees,
10 recovered for the county as a result of enforcement of civil and criminal
11 statutes pertaining to any offense included in the definition of racketeering
12 in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by
13 final judgment, settlement or otherwise, shall be deposited in the fund
14 established by the board of supervisors.

15 C. Any monies received by any department or agency of this state or
16 any political subdivision of this state from any department or agency of the
17 United States or another state as a result of participation in any
18 investigation or prosecution, whether by final judgment, settlement or
19 otherwise, shall be deposited in the fund established by this section or in
20 the fund established by section 13-2314.01.

21 D. Any monies obtained as a result of a forfeiture by the county
22 attorney under this title or under federal law shall be deposited in the fund
23 established by this section. Any monies or other property obtained as a
24 result of a forfeiture by any political subdivision of this state or the
25 federal government may be deposited in the fund established by this section
26 or in the fund established by section 13-2314.01. Monies deposited in the
27 fund pursuant to this section or section 13-4315 shall accrue interest and
28 shall be held for the benefit of the agency or agencies responsible for the
29 seizure or forfeiture to the extent of their contribution. Except as
30 provided in subsections ~~F and G~~ AND H of this section the monies and interest
31 shall be distributed to the agency or agencies responsible for the seizure or
32 forfeiture within thirty days of application.

33 E. Monies in the fund may be used for the funding of gang prevention
34 programs, substance abuse prevention programs, substance abuse education
35 programs, ~~and witness protection pursuant to section 11-536 or for any~~
36 ~~purpose permitted by federal law relating to the disposition of any property~~
37 ~~that is transferred to a law enforcement agency. Monies in the fund may be~~
38 ~~transmitted by the county attorney on behalf of any political subdivision of~~
39 ~~this state to the Arizona drug and gang policy council for the funding of~~
40 ~~gang prevention programs, substance abuse prevention programs and substance~~
41 ~~abuse education programs.~~ Monies in the fund may be used for the
42 investigation and prosecution of any offense included in the definition of
43 racketeering in section 13-2301, subsection D, paragraph 4 or section
44 13-2312, including civil enforcement.

1 F. NOTWITHSTANDING SUBSECTION E OF THIS SECTION, NO MONIES IN THE FUND
2 MAY BE USED FOR ADVERTISEMENTS FEATURING THE NAME OR LIKENESS OF ANY PUBLIC
3 OFFICIAL.

4 ~~F.~~ G. On or before January 25, April 25, July 25 and October 25 of
5 each year, the county attorney shall ~~cause to be filed~~ FILE with the Arizona
6 criminal justice commission a report for the previous calendar quarter. The
7 report shall be in a form that is prescribed by the Arizona criminal justice
8 commission and approved by the director of the joint legislative budget
9 committee. The report shall set forth the sources of all monies and all
10 expenditures. The report shall not include any identifying information about
11 specific investigations. If the county attorney fails to file a report
12 within sixty days after it is due and there is no good cause as determined by
13 the Arizona criminal justice commission, the county attorney shall make no
14 expenditures from the fund for the benefit of the county attorney until the
15 report is filed.

16 ~~G.~~ H. On or before January 15, April 15, July 15 and October 15 of
17 each year, each political subdivision of this state receiving monies pursuant
18 to this section or section 13-2314.01 or 13-4315 or from any department or
19 agency of the United States or another state as a result of participating in
20 any investigation or prosecution shall ~~cause to be filed~~ FILE with the county
21 attorney of the county in which the political subdivision is located a report
22 for the previous calendar quarter. The report shall be in a form that is
23 prescribed by the Arizona criminal justice commission and approved by the
24 director of the joint legislative budget committee. The report shall set
25 forth the sources of all monies and all expenditures. The report shall not
26 include any identifying information about specific investigations. If a
27 political subdivision of this state fails to file a report within forty-five
28 days after the report is due and there is no good cause as determined by the
29 Arizona criminal justice commission, the county attorney shall make no
30 expenditures from the fund for the benefit of the political subdivision until
31 the report is filed. The county attorney shall be responsible for collecting
32 all reports from political subdivisions within that county and transmitting
33 the reports to the Arizona criminal justice commission at the time that the
34 county report required pursuant to subsection ~~F.~~ G of this section is
35 submitted.

36 ~~H.~~ I. On or before January 30, April 30, July 30 and October 30 of
37 each year, the Arizona criminal justice commission shall compile all county
38 attorney reports into a single comprehensive report and all political
39 subdivision reports into a single comprehensive report and submit a copy of
40 each comprehensive report to the governor, the president of the senate, the
41 speaker of the house of representatives and the director of the joint
42 legislative budget committee.