



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2104: misconduct investigations; time limit; applicability

Sponsor: Representative Payne, LD 27

Committee on Military Affairs & Public Safety

Overview

Mandates that ongoing misconduct investigations against law enforcement officers (officers), begun before September 24, 2022, be completed within one year of the effective date of this act.

History

In 2022, the Fifty-fifth Legislature, Second Regular Session, passed [Laws 2022, Chapter 378 \(law enforcement: misconduct investigations; extension\)](#) (HB 2347). HB 2347 revised [A.R.S. § 38-1110](#) relating to investigations of employee misconduct against officers; it added additional constraints for how long an investigation of employee misconduct could last. HB 2347 only applied to misconduct investigations initiated after its effective date, which was September 24, 2022.

Under A.R.S. § 38-1110 as revised by HB 2347, employers are required to make a good faith effort to complete misconduct investigations within 180 days. After the initial 180 days, the investigation may be extended only if it is demonstrated that additional time is necessary to obtain or review evidence; this extension may not exceed 180 days or, in certain circumstances, 360 days. After this single extension, if the investigation is not completed, then — unless specified exceptions are met — the matter is dismissed.

An essentially identical bill was introduced in the 56th Legislature, 1st Regular Session and was [vetoed](#) by the Governor (SB 1301 misconduct investigations; time limit; applicability).

Provisions

1. Requires, if an officer's employer received an allegation of misconduct before September 24, 2022, the investigation of the misconduct to be completed within one year of the effective date of this act. (Sec. 1)
2. Provides, if the investigation is not completed within the specified timeframe, that the investigation is to be dismissed. (Sec. 1)
3. Specifies that this act does not apply to investigations:
 - a) based on allegations of misconduct received on or after September 24, 2022;
 - b) suspended during a criminal investigation or prosecution in connection with the alleged misconduct;
 - c) suspended because an officer involved in the investigation was incapacitated or otherwise unavailable; and
 - d) suspended in a written waiver by the officer under investigation. (Sec. 1)
4. Repeals this act on January 1, 2026. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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