

criminal justice; budget reconciliation; 2021-2022.

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

**CHAPTER 403**  
**HOUSE BILL 2893**

AN ACT

AMENDING TITLE 11, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15; AMENDING SECTIONS 12-109 AND 12-115, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-117.01; AMENDING SECTION 12-284.01, ARIZONA REVISED STATUTES; REPEALING SECTION 12-284.02, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-270; AMENDING SECTIONS 13-1414, 21-202 AND 21-222, ARIZONA REVISED STATUTES; AMENDING TITLE 26, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-105; AMENDING TITLE 26, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-183; AMENDING SECTION 31-227, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; REPEALING TITLE 31, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES; AMENDING SECTION 38-1117, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 322, SECTION 1; AMENDING SECTION 38-1161, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 338, SECTION 1; AMENDING SECTIONS 41-194.01 AND 41-1733, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1734; AMENDING TITLE 41, CHAPTER 12, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1772; AMENDING SECTION 45-252, ARIZONA REVISED STATUTES; AMENDING LAWS 2018, CHAPTER 278, SECTION 14, AS AMENDED BY LAWS 2019, CHAPTER 268, SECTION 6 AND LAWS 2020, CHAPTER 51, SECTION 4; AMENDING LAWS 2018, CHAPTER 278, SECTION 17; APPROPRIATING MONIES; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 E. Jurors who are unemployed and are not eligible for payment  
2 pursuant to ~~subsections~~ SUBSECTION C, PARAGRAPH 1 and SUBSECTION D of this  
3 section are eligible to be paid ~~forty dollars~~ \$40 per day, even if they  
4 receive income in the form of spousal maintenance, pensions, retirement,  
5 unemployment compensation, disability benefits or other similar income.  
6 Commissioners shall not deduct these other forms of income in calculating  
7 the amount these jurors are to be paid from the fund.

8 Sec. 11. Title 26, chapter 1, article 1, Arizona Revised Statutes,  
9 is amended by adding section 26-105, to read:

10 **26-105. Border security fund; exemption; reimbursement**

11 A. THE BORDER SECURITY FUND IS ESTABLISHED AND CONSISTS OF  
12 LEGISLATIVE APPROPRIATIONS, GIFTS, GRANTS AND OTHER DONATIONS. THE  
13 DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS SHALL ADMINISTER THE FUND.  
14 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF  
15 EMERGENCY AND MILITARY AFFAIRS AND MAY BE USED FOR THE FOLLOWING PURPOSES:

- 16 1. PREVENTING HUMAN TRAFFICKING.
- 17 2. PREVENTING ENTRY INTO THE UNITED STATES OF:
  - 18 (a) ALIENS WHO ARE UNLAWFULLY PRESENT IN THE UNITED STATES.
  - 19 (b) TERRORISTS AND INSTRUMENTS OF TERRORISM.
  - 20 (c) CONTRABAND, INCLUDING NARCOTICS AND OTHER CONTROLLED  
21 SUBSTANCES.
- 22 3. PLANNING, DESIGNING, CONSTRUCTING AND MAINTAINING  
23 TRANSPORTATION, TECHNOLOGY AND COMMERCIAL VEHICLE INSPECTION  
24 INFRASTRUCTURE NEAR THIS STATE'S INTERNATIONAL BORDER.
- 25 4. CLEARING NONINDIGENOUS PLANTS.
- 26 5. ADMINISTERING AND MANAGING THE CONSTRUCTION AND MAINTENANCE OF A  
27 PHYSICAL BORDER FENCE.
- 28 6. AWARDING GRANTS TO COUNTIES TO PROVIDE HOUSING IN SECURE  
29 FACILITIES.
- 30 7. AWARDING GRANTS TO COUNTIES FOR PROSECUTING INDIVIDUALS WHO  
31 COMMIT CRIMES LISTED IN THIS SUBSECTION.

32 B. THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS MUST CONSULT  
33 WITH THE FOLLOWING ENTITIES BEFORE SPENDING ANY MONIES FROM THE FUND FOR  
34 THE PURPOSE PROVIDED IN:

- 35 1. SUBSECTION A OF THIS SECTION, THE DEPARTMENT OF PUBLIC SAFETY.
- 36 2. SUBSECTION A, PARAGRAPH 3 OF THIS SECTION, THE DEPARTMENT OF  
37 TRANSPORTATION.
- 38 3. SUBSECTION A, PARAGRAPH 4 OF THIS SECTION, THE ARIZONA  
39 DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT.
- 40 4. SUBSECTION A, PARAGRAPH 5, 6 OR 7 OF THIS SECTION, THE  
41 DEPARTMENT OF ADMINISTRATION.

42 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
43 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

1 D. THE GOVERNOR SHALL REQUEST THE FEDERAL GOVERNMENT TO REIMBURSE  
2 STATE MONIES SPENT FROM THE FUND PURSUANT TO THIS SECTION. THE  
3 REIMBURSEMENTS SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147,  
4 IN THE STATE GENERAL FUND.

5 Sec. 12. Title 26, chapter 1, article 3, Arizona Revised Statutes,  
6 is amended by adding section 26-183, to read:

7 26-183. National guard cyber-attack prevention, response and  
8 support activities; cyber response revolving fund;  
9 purpose; exemption

10 A. THE NATIONAL GUARD OF THIS STATE MAY ENGAGE IN CYBER-ATTACK  
11 PREVENTION, RESPONSE AND SUPPORT ACTIVITIES FOR THIS STATE AND POLITICAL  
12 SUBDIVISIONS OF THIS STATE.

13 B. THE NATIONAL GUARD OF THIS STATE MAY ENTER INTO MUTUAL AID  
14 AGREEMENTS PERTAINING TO CYBER RESPONSE AND PROTECTION ACTIVITIES WITH  
15 STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THIS STATE AS AUTHORIZED BY  
16 SECTION 26-309.

17 C. THE NATIONAL GUARD CYBER RESPONSE REVOLVING FUND IS ESTABLISHED  
18 CONSISTING OF MONIES APPROPRIATED BY THE LEGISLATURE AND MONIES RECEIVED  
19 AS REIMBURSEMENT FOR COSTS INCURRED BY THIS STATE WHILE RENDERING AID  
20 PURSUANT TO SUBSECTION A OF THIS SECTION. THE DEPARTMENT OF EMERGENCY AND  
21 MILITARY AFFAIRS SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE  
22 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
23 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

24 D. MONIES IN THE FUND SHALL BE USED FOR THE COSTS INCURRED BY THIS  
25 STATE WHILE ASSISTING AGENCIES AND POLITICAL SUBDIVISIONS OF THIS STATE,  
26 OR AS DIRECTED BY THE GOVERNOR, WITH CYBER SUPPORT ACTIVITIES PURSUANT TO  
27 SUBSECTION A OF THIS SECTION.

28 Sec. 13. Section 31-227, Arizona Revised Statutes, is amended to  
29 read:

30 31-227. Expenses of prosecution; reimbursement of counties

31 ~~A.~~ If a person is arrested within this state for any crime  
32 committed in or adjacent and related to a correctional facility under the  
33 jurisdiction of the state department of corrections or committed while  
34 escaped from a correctional facility under the jurisdiction of the  
35 department or from the custody of officials or employees of the department  
36 while away from the correctional facility, the clerk of the court in which  
37 the legal proceedings relating to the crime are held shall prepare an  
38 itemized claim against the state for the court costs and any other costs  
39 or fees incurred by the county ~~upon~~ ON the prosecution and defense of the  
40 case and the cost of confining and keeping the prisoner. The claim shall  
41 be certified by the judge of the court, ~~and~~ sent to the ~~governor for~~  
42 ~~approval.~~ STATE DEPARTMENT OF CORRECTIONS

43 ~~B. Upon approval, the governor shall file the claim with the~~  
44 ~~department of administration and it shall be~~ paid from the appropriation  
45 for the support of the state department of corrections to the county