

Senate Engrossed

death benefit; assault; first responders.

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SENATE CONCURRENT RESOLUTION 1006**

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING  
TO FIRST RESPONDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to first responders, is enacted to become  
5 valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

8 AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED  
9 STATUTES, BY ADDING SECTION 12-116.12; REPEALING SECTION  
10 12-116.12, ARIZONA REVISED STATUTES; AMENDING SECTION 13-1204,  
11 ARIZONA REVISED STATUTES; AMENDING SECTION 13-1204, ARIZONA  
12 REVISED STATUTES, AS AMENDED BY SECTION 3 OF THIS RESOLUTION;  
13 AMENDING TITLE 38, CHAPTER 8, ARIZONA REVISED STATUTES, BY  
14 ADDING ARTICLE 4; REPEALING TITLE 38, CHAPTER 8, ARTICLE 4,  
15 ARIZONA REVISED STATUTES; RELATING TO FIRST RESPONDERS.

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

17 Section 1. Title 12, chapter 1, article 1, Arizona  
18 Revised Statutes, is amended by adding section 12-116.12, to  
19 read:

20 12-116.12. Penalty fee; first responder's supplemental  
21 death benefit

22 A. BEGINNING FROM AND AFTER JUNE 30, 2025, IN ADDITION  
23 TO ANY OTHER PENALTY, FINE, FEE, SURCHARGE OR ASSESSMENT  
24 AUTHORIZED BY LAW, A PERSON SHALL PAY A PENALTY FEE OF \$20 ON  
25 EVERY CONVICTION FOR A CRIMINAL OFFENSE.

26 B. THE COURT SHALL TRANSMIT THE PENALTY FEE COLLECTED  
27 PURSUANT TO THIS SECTION TO THE COUNTY TREASURER, EXCEPT THAT  
28 MUNICIPAL COURTS SHALL TRANSMIT THE PENALTY FEE TO THE CITY OR  
29 TOWN TREASURER.

30 C. THE CITY, TOWN OR COUNTY TREASURER SHALL TRANSMIT  
31 THE PENALTY FEES TO THE STATE TREASURER. THE STATE TREASURER  
32 SHALL DEPOSIT THE PENALTY FEES, PURSUANT TO SECTIONS 35-146  
33 AND 35-147, IN THE STATE SUPPLEMENTAL BENEFIT FUND ESTABLISHED  
34 BY SECTION 38-1173.

35 D. THE COURT MAY NOT WAIVE OR MITIGATE THE PENALTY FEE.

36 Sec. 2. Delayed repeal

37 Section 12-116.12, Arizona Revised Statutes, as added by  
38 this act, is repealed from and after December 31, 2032.

39 Sec. 3. Section 13-1204, Arizona Revised Statutes, is  
40 amended to read:

41 13-1204. Aggravated assault; classification;  
42 definitions

43 A. UNTIL JANUARY 1, 2033, a person commits aggravated  
44 assault if the person commits assault as prescribed by  
45 section 13-1203 under any of the following circumstances:

- 1           1. If the person causes serious physical injury to  
2 another.
- 3           2. If the person uses a deadly weapon or dangerous  
4 instrument.
- 5           3. If the person commits the assault by any means of  
6 force that causes temporary but substantial disfigurement,  
7 temporary but substantial loss or impairment of any body  
8 organ or part or a fracture of any body part.
- 9           4. If the person commits the assault while the victim  
10 is bound or otherwise physically restrained or while the  
11 victim's capacity to resist is substantially impaired.
- 12           5. If the person commits the assault after entering  
13 the private home of another with the intent to commit the  
14 assault.
- 15           6. If the person is eighteen years of age or older and  
16 commits the assault on a minor under fifteen years of age.
- 17           7. If the person commits assault as prescribed by  
18 section 13-1203, subsection A, paragraph 1 or 3 and the  
19 person is in violation of an order of protection issued  
20 against the person pursuant to section 13-3602 or 13-3624.
- 21           8. If the person commits the assault knowing or having  
22 reason to know that the victim is any of the following:
- 23           (a) A ~~peace officer~~ **FIRST RESPONDER** or a person  
24 summoned and directed by the ~~officer~~ **FIRST RESPONDER**.
- 25           (b) A constable or a person summoned and directed by  
26 the constable while engaged in the execution of any official  
27 duties or if the assault results from the execution of the  
28 constable's official duties.
- 29           ~~(c) A firefighter, fire investigator, fire inspector,  
30 emergency medical technician or paramedic engaged in the  
31 execution of any official duties or a person summoned and  
32 directed by such individual while engaged in the execution of  
33 any official duties or if the assault results from the  
34 execution of the official duties of the firefighter, fire  
35 investigator, fire inspector, emergency medical technician or  
36 paramedic.~~
- 37           ~~(d)~~ (c) A teacher or other person employed by any  
38 school and the teacher or other employee is on the grounds of  
39 a school or grounds adjacent to the school or is in any part  
40 of a building or vehicle used for school purposes, any  
41 teacher or school nurse visiting a private home in the course  
42 of the teacher's or nurse's professional duties or any  
43 teacher engaged in any authorized and organized classroom  
44 activity held on other than school grounds.

1           ~~(e)~~ (d) A health care worker while engaged in the  
2 health care worker's work duties or a health care  
3 practitioner who is certified or licensed pursuant to title  
4 32, chapter 13, 14, 15, 17 or 25, or a person summoned and  
5 directed by the licensed health care practitioner while  
6 engaged in the person's professional duties. This  
7 subdivision does not apply if the person who commits the  
8 assault does not have the ability to form the culpable mental  
9 state because of a mental disability or because the person is  
10 seriously mentally ill, as defined in section 36-550.

11           ~~(f)~~ (e) A prosecutor while engaged in the execution  
12 of any official duties or if the assault results from the  
13 execution of the prosecutor's official duties.

14           ~~(g)~~ (f) A code enforcement officer as defined in  
15 section 39-123 while engaged in the execution of any official  
16 duties or if the assault results from the execution of the  
17 code enforcement officer's official duties.

18           ~~(h)~~ (g) A state or municipal park ranger while  
19 engaged in the execution of any official duties or if the  
20 assault results from the execution of the park ranger's  
21 official duties.

22           ~~(i)~~ (h) A public defender while engaged in the  
23 execution of any official duties or if the assault results  
24 from the execution of the public defender's official duties.

25           ~~(j)~~ (i) A judicial officer while engaged in the  
26 execution of any official duties or if the assault results  
27 from the execution of the judicial officer's official duties.

28           9. If the person knowingly takes or attempts to  
29 exercise control over any of the following:

30           (a) A ~~peace officer's~~ FIRST RESPONDER'S or other  
31 officer's firearm and the person knows or has reason to know  
32 that the victim is a ~~peace officer~~ FIRST RESPONDER or other  
33 officer employed by one of the agencies listed in paragraph  
34 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of  
35 this subsection.

36           (b) Any weapon other than a firearm that is being used  
37 by a ~~peace officer~~ FIRST RESPONDER or other officer or that  
38 the FIRST RESPONDER OR OTHER officer is attempting to use,  
39 and the person knows or has reason to know that the victim is  
40 a ~~peace officer~~ FIRST RESPONDER or other officer employed by  
41 one of the agencies listed in paragraph 10, subdivision (a),  
42 item (i), (ii), (iii), (iv) or (v) of this subsection.

43           (c) Any implement that is being used by a ~~peace~~  
44 ~~officer~~ FIRST RESPONDER or other officer or that the FIRST  
45 RESPONDER OR OTHER officer is attempting to use, and the

1 person knows or has reason to know that the victim is a ~~peace~~  
2 ~~officer~~ FIRST RESPONDER or other officer employed by one of  
3 the agencies listed in paragraph 10, subdivision (a), item  
4 (i), (ii), (iii), (iv) or (v) of this subsection. For the  
5 purposes of this subdivision, "implement" means an object  
6 that is designed for or that is capable of restraining or  
7 injuring an individual. Implement does not include  
8 handcuffs.

9 10. If the person meets both of the following  
10 conditions:

11 (a) Is imprisoned or otherwise subject to the custody  
12 of any of the following:

13 (i) The state department of corrections.

14 (ii) The department of juvenile corrections.

15 (iii) A law enforcement agency.

16 (iv) A county or city jail or an adult or juvenile  
17 detention facility of a city or county.

18 (v) Any other entity that is contracting with the  
19 state department of corrections, the department of juvenile  
20 corrections, a law enforcement agency, another state, any  
21 private correctional facility, a county, a city or the  
22 federal bureau of prisons or other federal agency that has  
23 responsibility for sentenced or unsentenced prisoners.

24 (b) Commits an assault knowing or having reason to  
25 know that the victim is acting in an official capacity as an  
26 employee of any of the entities listed in subdivision (a) of  
27 this paragraph.

28 11. If the person uses a simulated deadly weapon.

29 B. UNTIL JANUARY 1, 2033, a person commits aggravated  
30 assault if the person commits assault by either  
31 intentionally, knowingly or recklessly causing any physical  
32 injury to another person, intentionally placing another  
33 person in reasonable apprehension of imminent physical injury  
34 or knowingly touching another person with the intent to  
35 injure the person, and both of the following occur:

36 1. The person intentionally or knowingly impedes the  
37 normal breathing or circulation of blood of another person by  
38 applying pressure to the throat or neck or by obstructing the  
39 nose and mouth either manually or through the use of an  
40 instrument.

41 2. Any of the circumstances exists that are set forth  
42 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5  
43 or 6.

44 C. A person who is convicted of intentionally or  
45 knowingly committing aggravated assault on a ~~peace officer~~

1           FIRST RESPONDER pursuant to subsection A, paragraph 1 or 2 of  
2 this section shall be sentenced to imprisonment for not less  
3 than the presumptive sentence authorized under chapter 7 of  
4 this title and is not eligible for suspension of sentence,  
5 commutation or release on any basis until the sentence  
6 imposed is served.

7           D. It is not a defense to a prosecution for assaulting  
8 a peace officer or a mitigating circumstance that the peace  
9 officer was not on duty or engaged in the execution of any  
10 official duties.

11           E. Except pursuant to subsections F and G of this  
12 section, aggravated assault pursuant to subsection A,  
13 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph  
14 11 of this section is a class 3 felony except if the  
15 aggravated assault is a violation of subsection A, paragraph  
16 1 or 2 of this section and the victim is under fifteen years  
17 of age it is a class 2 felony punishable pursuant to section  
18 13-705. Aggravated assault pursuant to subsection A,  
19 paragraph 3 or subsection B of this section is a class 4  
20 felony. Aggravated assault pursuant to subsection A,  
21 paragraph 9, subdivision (b) or paragraph 10 of this section  
22 is a class 5 felony. Aggravated assault pursuant to  
23 subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9,  
24 subdivision (c) of this section is a class 6 felony.

25           F. Aggravated assault pursuant to subsection A,  
26 paragraph 1 or 2 of this section committed on a ~~peace officer~~  
27 FIRST RESPONDER is a class 2 felony. Aggravated assault  
28 pursuant to subsection A, paragraph 3 of this section  
29 committed on a ~~peace officer~~ FIRST RESPONDER is a class 3  
30 felony. Aggravated assault pursuant to subsection A,  
31 paragraph 8, subdivision (a) of this section committed on a  
32 ~~peace officer~~ FIRST RESPONDER is a class ~~5~~ 4 felony unless  
33 the assault results in any physical injury to the ~~peace~~  
34 ~~officer~~ FIRST RESPONDER, in which case it is a class ~~4~~ 3  
35 felony.

36           G. Aggravated assault pursuant to:

37           1. Subsection A, paragraph 1 or 2 of this section is a  
38 class 2 felony if committed on a prosecutor.

39           2. Subsection A, paragraph 3 of this section is a  
40 class 3 felony if committed on a prosecutor.

41           3. Subsection A, paragraph 8, subdivision ~~(f)~~ (e) of  
42 this section is a class 5 felony if the assault results in  
43 physical injury to a prosecutor.

1 H. For the purposes of this section:  
2 1. "FIRST RESPONDER" MEANS:  
3 (a) A PEACE OFFICER.  
4 (b) A FIREFIGHTER, A FIRE MARSHAL, A FIRE INSPECTOR, AN  
5 EMERGENCY MEDICAL CARE TECHNICIAN OR A PARAMEDIC WHO IS  
6 ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES.  
7 (c) A TRIBAL POLICE OFFICER.  
8 ~~1.~~ 2. "Health care worker" means:  
9 (a) A person who is employed by or contracted to work  
10 at a health care institution that is licensed pursuant to  
11 title 36.  
12 (b) A person who is employed or contracted to provide  
13 health care or related services in a fieldwork setting,  
14 including:  
15 (i) Home health care, home-based hospice and  
16 home-based social work, unless the worker is employed or  
17 contracted by an individual who privately employs, in the  
18 individual's residence, the worker to perform covered  
19 services for the individual or a family member of the  
20 individual.  
21 (ii) Any emergency services and transport, including  
22 the services provided by firefighters and emergency  
23 responders.  
24 ~~2.~~ 3. "Judicial officer" means a justice of the  
25 supreme court, judge, justice of the peace or magistrate or a  
26 commissioner or hearing officer of a state, county or  
27 municipal court.  
28 ~~3.~~ 4. "Mental disability" means a disabling  
29 neurological condition, or brain injury, or involuntary  
30 impairment as a result of a medication that is administered  
31 by a health care provider or a medical procedure that is  
32 performed at a health care treatment site.  
33 ~~4.~~ 5. "Prosecutor" means a county attorney, a  
34 municipal prosecutor or the attorney general and includes an  
35 assistant or deputy county attorney, municipal prosecutor or  
36 attorney general.  
37 Sec. 4. Section 13-1204, Arizona Revised Statutes, as  
38 amended by section 3 of this resolution, is amended to read:  
39 13-1204. Aggravated assault; classification;  
40 definitions  
41 A. BEGINNING FROM AND AFTER DECEMBER 31, 2032, a person  
42 commits aggravated assault if the person commits assault as  
43 prescribed by section 13-1203 under any of the following  
44 circumstances:

- 1           1. If the person causes serious physical injury to  
2 another.
- 3           2. If the person uses a deadly weapon or dangerous  
4 instrument.
- 5           3. If the person commits the assault by any means of  
6 force that causes temporary but substantial disfigurement,  
7 temporary but substantial loss or impairment of any body organ  
8 or part or a fracture of any body part.
- 9           4. If the person commits the assault while the victim  
10 is bound or otherwise physically restrained or while the  
11 victim's capacity to resist is substantially impaired.
- 12           5. If the person commits the assault after entering the  
13 private home of another with the intent to commit the assault.
- 14           6. If the person is eighteen years of age or older and  
15 commits the assault on a minor under fifteen years of age.
- 16           7. If the person commits assault as prescribed by  
17 section 13-1203, subsection A, paragraph 1 or 3 and the person  
18 is in violation of an order of protection issued against the  
19 person pursuant to section 13-3602 or 13-3624.
- 20           8. If the person commits the assault knowing or having  
21 reason to know that the victim is any of the following:
- 22           (a) A ~~first responder~~ PEACE OFFICER or a person  
23 summoned and directed by the ~~first responder~~ OFFICER.
- 24           (b) A constable or a person summoned and directed by  
25 the constable while engaged in the execution of any official  
26 duties or if the assault results from the execution of the  
27 constable's official duties.
- 28           (c) A FIREFIGHTER, FIRE INVESTIGATOR, FIRE INSPECTOR,  
29 EMERGENCY MEDICAL TECHNICIAN OR PARAMEDIC ENGAGED IN THE  
30 EXECUTION OF ANY OFFICIAL DUTIES OR A PERSON SUMMONED AND  
31 DIRECTED BY SUCH INDIVIDUAL WHILE ENGAGED IN THE EXECUTION OF  
32 ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS FROM THE  
33 EXECUTION OF THE OFFICIAL DUTIES OF THE FIREFIGHTER, FIRE  
34 INVESTIGATOR, FIRE INSPECTOR, EMERGENCY MEDICAL TECHNICIAN OR  
35 PARAMEDIC.
- 36           ~~(c)~~ (d) A teacher or other person employed by any  
37 school and the teacher or other employee is on the grounds of  
38 a school or grounds adjacent to the school or is in any part  
39 of a building or vehicle used for school purposes, any teacher  
40 or school nurse visiting a private home in the course of the  
41 teacher's or nurse's professional duties or any teacher  
42 engaged in any authorized and organized classroom activity  
43 held on other than school grounds.
- 44           ~~(d)~~ (e) A health care worker while engaged in the  
45 health care worker's work duties or a health care practitioner



1 who is certified or licensed pursuant to title 32, chapter 13,  
2 14, 15, 17 or 25, or a person summoned and directed by the  
3 licensed health care practitioner while engaged in the  
4 person's professional duties. This subdivision does not apply  
5 if the person who commits the assault does not have the  
6 ability to form the culpable mental state because of a mental  
7 disability or because the person is seriously mentally ill, as  
8 defined in section 36-550.

9 ~~(e)~~ (f) A prosecutor while engaged in the execution of  
10 any official duties or if the assault results from the  
11 execution of the prosecutor's official duties.

12 ~~(f)~~ (g) A code enforcement officer as defined in  
13 section 39-123 while engaged in the execution of any official  
14 duties or if the assault results from the execution of the  
15 code enforcement officer's official duties.

16 ~~(g)~~ (h) A state or municipal park ranger while engaged  
17 in the execution of any official duties or if the assault  
18 results from the execution of the park ranger's official  
19 duties.

20 ~~(h)~~ (i) A public defender while engaged in the  
21 execution of any official duties or if the assault results  
22 from the execution of the public defender's official duties.

23 ~~(i)~~ (j) A judicial officer while engaged in the  
24 execution of any official duties or if the assault results  
25 from the execution of the judicial officer's official duties.

26 9. If the person knowingly takes or attempts to  
27 exercise control over any of the following:

28 (a) A ~~first responder's~~ PEACE OFFICER'S or other  
29 officer's firearm and the person knows or has reason to know  
30 that the victim is a ~~first responder~~ PEACE OFFICER or other  
31 officer employed by one of the agencies listed in paragraph  
32 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of  
33 this subsection.

34 (b) Any weapon other than a firearm that is being used  
35 by a ~~first responder~~ PEACE OFFICER or other officer or that  
36 the ~~first responder or other~~ officer is attempting to use, and  
37 the person knows or has reason to know that the victim is a  
38 ~~first responder~~ PEACE OFFICER or other officer employed by one  
39 of the agencies listed in paragraph 10, subdivision (a), item  
40 (i), (ii), (iii), (iv) or (v) of this subsection.

41 (c) Any implement that is being used by a ~~first~~  
42 ~~responder~~ PEACE OFFICER or other officer or that the ~~first~~  
43 ~~responder or other~~ officer is attempting to use, and the  
44 person knows or has reason to know that the victim is a ~~first~~  
45 ~~responder~~ PEACE OFFICER or other officer employed by one of

1 the agencies listed in paragraph 10, subdivision (a), item  
2 (i), (ii), (iii), (iv) or (v) of this subsection. For the  
3 purposes of this subdivision, "implement" means an object that  
4 is designed for or that is capable of restraining or injuring  
5 an individual. Implement does not include handcuffs.

6 10. If the person meets both of the following  
7 conditions:

8 (a) Is imprisoned or otherwise subject to the custody  
9 of any of the following:

10 (i) The state department of corrections.

11 (ii) The department of juvenile corrections.

12 (iii) A law enforcement agency.

13 (iv) A county or city jail or an adult or juvenile  
14 detention facility of a city or county.

15 (v) Any other entity that is contracting with the state  
16 department of corrections, the department of juvenile  
17 corrections, a law enforcement agency, another state, any  
18 private correctional facility, a county, a city or the federal  
19 bureau of prisons or other federal agency that has  
20 responsibility for sentenced or unsentenced prisoners.

21 (b) Commits an assault knowing or having reason to know  
22 that the victim is acting in an official capacity as an  
23 employee of any of the entities listed in subdivision (a) of  
24 this paragraph.

25 11. If the person uses a simulated deadly weapon.

26 B. BEGINNING FROM AND AFTER DECEMBER 31, 2032, a person  
27 commits aggravated assault if the person commits assault by  
28 either intentionally, knowingly or recklessly causing any  
29 physical injury to another person, intentionally placing  
30 another person in reasonable apprehension of imminent physical  
31 injury or knowingly touching another person with the intent to  
32 injure the person, and both of the following occur:

33 1. The person intentionally or knowingly impedes the  
34 normal breathing or circulation of blood of another person by  
35 applying pressure to the throat or neck or by obstructing the  
36 nose and mouth either manually or through the use of an  
37 instrument.

38 2. Any of the circumstances exists that are set forth  
39 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5  
40 or 6.

41 C. A person who is convicted of intentionally or  
42 knowingly committing aggravated assault on a ~~first responder~~  
43 PEACE OFFICER pursuant to subsection A, paragraph 1 or 2 of  
44 this section shall be sentenced to imprisonment for not less  
45 than the presumptive sentence authorized under chapter 7 of

1 this title and is not eligible for suspension of sentence,  
2 commutation or release on any basis until the sentence imposed  
3 is served.

4 D. It is not a defense to a prosecution for assaulting  
5 a peace officer or a mitigating circumstance that the peace  
6 officer was not on duty or engaged in the execution of any  
7 official duties.

8 E. Except pursuant to subsections F and G of this  
9 section, aggravated assault pursuant to subsection A,  
10 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11  
11 of this section is a class 3 felony except if the aggravated  
12 assault is a violation of subsection A, paragraph 1 or 2 of  
13 this section and the victim is under fifteen years of age it  
14 is a class 2 felony punishable pursuant to section 13-705.  
15 Aggravated assault pursuant to subsection A, paragraph 3 or  
16 subsection B of this section is a class 4 felony. Aggravated  
17 assault pursuant to subsection A, paragraph 9, subdivision (b)  
18 or paragraph 10 of this section is a class 5 felony.  
19 Aggravated assault pursuant to subsection A, paragraph 4, 5,  
20 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a  
21 class 6 felony.

22 F. Aggravated assault pursuant to subsection A,  
23 paragraph 1 or 2 of this section committed on a ~~first~~  
24 ~~responder~~ PEACE OFFICER is a class 2 felony. Aggravated  
25 assault pursuant to subsection A, paragraph 3 of this section  
26 committed on a ~~first responder~~ PEACE OFFICER is a class 3  
27 felony. Aggravated assault pursuant to subsection A,  
28 paragraph 8, subdivision (a) of this section committed on a  
29 ~~first responder~~ PEACE OFFICER is a class ~~4~~ 5 felony unless  
30 the assault results in any physical injury to the ~~first~~  
31 ~~responder~~ PEACE OFFICER, in which case it is a class ~~3~~ 4  
32 felony.

33 G. Aggravated assault pursuant to:

34 1. Subsection A, paragraph 1 or 2 of this section is a  
35 class 2 felony if committed on a prosecutor.

36 2. Subsection A, paragraph 3 of this section is a class  
37 3 felony if committed on a prosecutor.

38 3. Subsection A, paragraph 8, subdivision ~~(e)~~ (f) of  
39 this section is a class 5 felony if the assault results in  
40 physical injury to a prosecutor.

41 H. For the purposes of this section:

42 ~~1. "First responder" means:~~

43 ~~(a) A peace officer.~~

~~(b) a firefighter, a fire marshal, a fire inspector, an emergency medical care technician or a paramedic who is engaged in the execution of any official duties.~~

~~2.~~ 1. "Health care worker" means:

(a) A person who is employed by or contracted to work at a health care institution that is licensed pursuant to title 36.

(b) A person who is employed or contracted to provide health care or related services in a fieldwork setting, including:

(i) Home health care, home-based hospice and home-based social work, unless the worker is employed or contracted by an individual who privately employs, in the individual's residence, the worker to perform covered services for the individual or a family member of the individual.

(ii) Any emergency services and transport, including the services provided by firefighters and emergency responders.

~~3.~~ 2. "Judicial officer" means a justice of the supreme court, judge, justice of the peace or magistrate or a commissioner or hearing officer of a state, county or municipal court.

~~4.~~ 3. "Mental disability" means a disabling neurological condition, or brain injury, or involuntary impairment as a result of a medication that is administered by a health care provider or a medical procedure that is performed at a health care treatment site.

~~5.~~ 4. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

Sec. 5. Title 38, chapter 8, Arizona Revised Statutes, is amended by adding article 4, to read:

ARTICLE 4. FIRST RESPONDERS

38-1171. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "FIRST RESPONDER":

(a) HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1204.

(b) INCLUDES A MEMBER OF THE ARIZONA NATIONAL GUARD WHO IS ON STATE ACTIVE DUTY IN THIS STATE AND A CORRECTIONAL OFFICER WHO IS EMPLOYED BY THE STATE DEPARTMENT OF CORRECTIONS.

2. "KILLED IN THE LINE OF DUTY" MEANS KILLED AS THE RESULT OF ANOTHER PERSON'S CRIMINAL ACT WHILE IN THE PERFORMANCE OF THE FIRST RESPONDER'S OFFICIAL DUTIES.

1           38-1172. State death benefit

2           IN ADDITION TO ANY OTHER DEATH BENEFIT, BEGINNING FROM  
3 AND AFTER JUNE 30, 2025, IF A FIRST RESPONDER IS KILLED IN THE  
4 LINE OF DUTY, ON WRITTEN NOTICE TO THE STATE TREASURER FROM  
5 THE FIRST RESPONDER'S EMPLOYER THIS STATE SHALL PAY A STATE  
6 DEATH BENEFIT OF \$250,000 TO THE FIRST RESPONDER'S SURVIVING  
7 SPOUSE. IF THE FIRST RESPONDER DOES NOT HAVE A SURVIVING  
8 SPOUSE BUT HAS CHILDREN, THIS STATE SHALL PAY A STATE DEATH  
9 BENEFIT OF \$250,000, DIVIDED EQUALLY AMONG THE FIRST  
10 RESPONDER'S CHILDREN. THE STATE SHALL PAY THE DEATH BENEFIT  
11 WITHIN THIRTY DAYS AFTER RECEIVING THE WRITTEN NOTICE FROM THE  
12 FIRST RESPONDER'S EMPLOYER.

13           38-1173. State supplemental benefit fund

14           THE STATE SUPPLEMENTAL BENEFIT FUND IS ESTABLISHED  
15 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 12-116.12  
16 AND MONIES APPROPRIATED BY THE LEGISLATURE. THE STATE  
17 TREASURER SHALL ADMINISTER THE FUND FOR THE PURPOSES SPECIFIED  
18 IN SECTION 38-1172. MONIES IN THE FUND ARE CONTINUOUSLY  
19 APPROPRIATED. IF AT ANY TIME THE MONIES IN THE FUND EXCEED  
20 \$2,000,000 THE LEGISLATURE MAY APPROPRIATE THOSE EXCESS MONIES  
21 FOR PEACE OFFICER TRAINING, EQUIPMENT AND OTHER BENEFITS,  
22 INCLUDING ASSISTANCE TO FIRST RESPONDERS WHO ARE SERIOUSLY  
23 INJURED IN THE LINE OF DUTY AND THE FIRST RESPONDER'S FAMILY.

24           Sec. 6. Delayed repeal

25           Title 38, chapter 8, article 4, Arizona Revised  
26 Statutes, as added by this act, is repealed from and after  
27 December 31, 2032.

28           Sec. 7. Finding; intent; purpose

29           A. The people of this state find and declare that:

30           1. Arizona's first responders are on the front lines  
31 for public safety and the peaceful enjoyment of this state's  
32 civil society.

33           2. First responders nationally and in this state have  
34 increasingly become targets for criminal assault, causing  
35 their injury and death. This has resulted in both heightened  
36 early retirements of first responders and difficulty in  
37 recruiting new first responders.

38           B. The intent of this act is to increase the criminal  
39 penalties against persons who assault first responders in this  
40 state and to increase the death benefits for the families of  
41 first responders who are killed in the line of duty in this  
42 state.

43           C. The purpose of this act is:

44           1. To stem the violence against first responders in  
45 this state.

1           2. To help retain and recruit first responders in this  
2 state by better providing for the families of first responders  
3 who are killed in the line of duty in this state.

4           Sec. 8. Severability

5           If a provision of this act or its application to any  
6 person or circumstance is held invalid, the invalidity does  
7 not affect other provisions or application of the act that can  
8 be given effect without the invalid provision or application,  
9 and to this end the provisions of this act are severable.

10          Sec. 9. Short title

11          This act may be cited as the "Back the Blue Act".

12          2. The Secretary of State shall submit this proposition to the  
13 voters at the next general election as provided by article IV, part 1,  
14 section 1, Constitution of Arizona.

PASSED BY THE HOUSE MARCH 7, 2023.

PASSED BY THE SENATE FEBRUARY 28, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 9, 2023.