June 18, 2018

Michael Racy, President
Racy Associates, Inc.
535 Burton Drive
Tucson, Arizona 85704

Re: House Bill 2605 Criminal Justice Statistics: Public Information

Dear Mr. Racy:

As we discussed, House Bill (HB) 2605 was approved in the closing hours of the Legislature as part of a budget compromise. I have asked our Criminal Justice Unit to determine if the data enumerated in HB 2605 is readily available, and, if not, what would be the appropriate cost associated with collection and consolidation of data into one database to allow policy analysis.

As we know, the Criminal Justice System consumes a significant portion of our resources, is antiquated, is fraught with conflicting policies operated by siloed departments and agencies and generally is difficult to navigate. While criminal justice reform is an important and emerging policy goal of the County, I have asked our departments and agencies involved in this system to comment on this Legislation as well as that similarly enacted in Florida to determine costs associated with compliance. No matter the cost, the data needs to be gathered to make factual, intelligent decisions regarding Criminal Justice System policy direction. In fact, I will advocate the Board of Supervisor include, in the next Legislative Session, an item that requires this same information, but pays for it through Criminal Justice System Anti-racketeering Funds.

Sincerely,

C.H. Huckelberry
County Administrator

Enclosure

c: The Honorable Chairman and Members, Pima County Board of Supervisors
   Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement
State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

HB 2605

Introduced by  
Representatives Stringer; Engel

AN ACT

AMENDING TITLE 41, CHAPTER 17, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO CRIMINAL JUSTICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 41, chapter 17, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. CRIMINAL JUSTICE STATISTICS

41-2221. Criminal case statistics: public website posting: requirements: definitions

A. BEGINNING JANUARY 1, 2019, ON THE FIRST DAY OF EACH MONTH EACH PROSECUTOR SHALL POST THE FOLLOWING INFORMATION FOR THE PREVIOUS MONTH ON THE PROSECUTOR'S PUBLIC WEBSITE OR ON THE PUBLIC WEBSITE OF AN AFFILIATED ASSOCIATION:

1. THE RESPECTIVE AGGREGATE NUMBER OF MISDEMEANOR AND FELONY CASES BY INDIVIDUAL DEFENDANT:

(a) THAT ARE INDICTED BY THE PROSECUTOR'S OFFICE.

(b) THAT ARE RESOLVED BY THE PROSECUTOR'S OFFICE THROUGH A PLEA AGREEMENT. IF RESOLVED THROUGH A PLEA AGREEMENT, THE PROSECUTOR SHALL POST THE AGGREGATE NUMBER OF CASES IN WHICH THE DEFENDANT EITHER:

(i) PLED GUILTY.

(ii) PLED NO CONTEST.

(c) THAT ARE PRESENTED FOR BENCH OR JURY TRIAL CONSIDERATION, EXCLUDING PRIOR CONVICTION TRIALS.

(d) IN WHICH A FIRST TIME FELONY OFFENDER RECEIVED A SENTENCE OF:

(i) LESS THAN ONE YEAR IMPRISONMENT.

(ii) ONE YEAR OR MORE BUT LESS THAN THREE YEARS IMPRISONMENT.

(iii) THREE YEARS OR MORE BUT LESS THAN FIVE YEARS IMPRISONMENT.

(iv) FIVE YEARS OR MORE BUT LESS THAN TEN YEARS IMPRISONMENT.

(v) TEN YEARS OR MORE IMPRISONMENT.

(e) IN WHICH A REPETITIVE OFFENDER RECEIVED A SENTENCE OF:

(i) LESS THAN ONE YEAR IMPRISONMENT.

(ii) ONE YEAR OR MORE BUT LESS THAN THREE YEARS IMPRISONMENT.

(iii) THREE YEARS OR MORE BUT LESS THAN FIVE YEARS IMPRISONMENT.

(iv) FIVE YEARS OR MORE BUT LESS THAN TEN YEARS IMPRISONMENT.

(v) TEN YEARS OR MORE IMPRISONMENT.

2. FOR EACH INDIVIDUAL DEFENDANT'S INDICTED CASE, A BREAKDOWN OF EACH OFFENSE CHARGED AND WHETHER THAT OFFENSE WAS CHARGED AS A MISDEMEANOR OR FELONY.

3. FOR EACH MISDEMEANOR AND FELONY OFFENSE THAT WAS CHARGED IN EACH INDIVIDUAL DEFENDANT'S CASE:

(a) WHETHER THE OFFENSE WAS RESOLVED BY PLEA AGREEMENT.

(b) IF THE OFFENSE WAS RESOLVED BY PLEA AGREEMENT, WHETHER THE DEFENDANT PLED GUILTY OR NO CONTEST.

(c) WHETHER THE OFFENSE WAS PRESENTED FOR BENCH OR JURY TRIAL CONSIDERATION, EXCLUDING PRIOR CONVICTION TRIALS.

(d) THE VERDICT ON EACH MISDEMEANOR AND FELONY CHARGE THAT WAS SUBMITTED FOR BENCH OR JURY TRIAL CONSIDERATION.

(e) THE FINAL SENTENCE ENTERED ON EACH CHARGE.
(f) ANY CHANGES THAT WERE MANDATED BY AN APPELLATE COURT TO A FINAL
SENTENCE THAT WAS ENTERED BY A MUNICIPAL, JUSTICE OR SUPERIOR COURT.
4. FOR EACH INDIVIDUAL DEFENDANT'S CASE, WHETHER THE DEFENDANT HAS
PREVIOUSLY BEEN CHARGED WITH A FELONY IN THIS STATE AND, IF THE DEFENDANT
HAS PREVIOUSLY BEEN CHARGED WITH A FELONY IN THIS STATE, HOW MANY PRIOR
FELONY CHARGES IN THIS STATE.
5. FOR EACH INDIVIDUAL DEFENDANT'S CASE WHERE THE DEFENDANT HAS A
PRIOR FELONY CONVICTION, A DESCRIPTION OF EACH PRIOR FELONY CONVICTION.
6. THE AMOUNT, AS RECORDED BY THE ARRESTING OFFICER, THAT WAS THE
BASIS FOR THE FOLLOWING CHARGES:
   (a) POSSESSION OR USE OF MARIJUANA OR A DANGEROUS OR NARCOTIC DRUG.
   (b) POSSESSION FOR SALE OF MARIJUANA OR A DANGEROUS OR NARCOTIC
   DRUG.
   (c) POSSESSION OF EQUIPMENT OR CHEMICALS, OR BOTH, FOR THE PURPOSE
      OF MANUFACTURING A DANGEROUS OR NARCOTIC DRUG.
   (d) MANUFACTURING A DANGEROUS OR NARCOTIC DRUG.
   (e) ADMINISTERING A DANGEROUS OR NARCOTIC DRUG TO ANOTHER PERSON.
   (f) OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS OR
      NARCOTIC DRUG BY FRAUD, DECEIT, MISREPRESENTATION OR SUBTERFUGE.
   (g) TRANSPORTING FOR SALE, IMPORTING INTO THIS STATE OR OFFERING TO
      TRANSPORT FOR SALE OR IMPORT INTO THIS STATE, SELLING, TRANSFERRING OR
      OFFERING TO SELL OR TRANSFER MARIJUANA OR A DANGEROUS OR NARCOTIC DRUG.
7. FOR EACH MISDEMEANOR AND FELONY CASE, EACH INDIVIDUAL
   DEFENDANT'S:
   (a) AGE.
   (b) RACE OR ETHNICITY.
   (c) DECLARED GENDER.
B. THE REPORTS REQUIRED BY THIS SECTION MUST BE ACCESSIBLE BY THE
PUBLIC AND REMAIN ON THE PROSECUTOR'S PUBLIC WEBSITE IN PERPETUITY.
C. FOR THE PURPOSES OF THIS SECTION:
1. "CONSIDERATION" MEANS A JURY WAS EMPANЕLED AND SWORN IN TO
   CONSIDER THE CHARGES OR, IN THE CASE OF A BENCH TRIAL, AT LEAST ONE
   WITNESS TESTIFIED.
2. "PROSECUTOR" MEANS THE ATTORNEY GENERAL, A COUNTY ATTORNEY AND A
   MUNICIPAL PROSECUTOR.