



2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
Mohave County, AZ
October 3 - 5, 2011

A. What is the legislative proposal? *Include incarceration costs for law enforcement agency arrests on municipal warrants in costs to be borne by the municipality under ARS 31-121.*

B. Describe the problem and explain how the proposal solves it. *Currently ARS 31-121 requires a city to pay the costs of incarceration in a county jail for those who are being held on municipal charges, if they are arrested by a peace officer employed by a city or town. This means that only the time spent while they are initially arrested, or after sentencing is required to be paid. This fails to recognize that many such individuals are released pending resolution of their charges, and then fail to appear, or otherwise end up with warrants for their arrest. These warrants are often executed by peace officers other than those employed by the town or municipality from which the warrant originated (ie. during a traffic stop in another town, or in a county jurisdiction, the warrant is discovered and the individual is arrested by a sheriff deputy on the municipal warrant.). Technically there is no requirement for the payment of costs associated with individuals under those circumstances. The proposed change tightens up the language to accomplish the original purpose which was to hold the entity who was responsible for the action for which the individual was incarcerated responsible for the costs.*

C. What is the fiscal impact to the state or county budgets of the proposal?

The change will result in a higher level of cost reimbursement for incarceration per diem charges from cities to counties. There is no impact on the State. Ultimately this will require cities to be more aware of the fiscal ramifications of their court proceedings and prosecutorial practices. It will reduce the extent to which expenditures by the County for incarceration are not controlled by the County.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

While this may result in a higher obligation for cost reimbursement from cities to counties, it meets to intent of the original legislation. Those who would oppose would do so in order to avoid the fiscal ramifications, but without the support of logic and sound reasoning. The essence is if you (the city) make a choice to incur a cost, then you (the city) should pay the cost.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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