



Bill Number: S.R. 1036

Kavanagh Floor Amendment

Reference to: printed resolution

Amendment drafted by: Leg. Council

FLOOR AMENDMENT EXPLANATION

1. Adds the following statements to the resolution:
 - a) multiple statewide law enforcement organizations representing law enforcement officers and leaders have called the Attorney General's statements harmful and dangerous to law enforcement; and
 - b) the Attorney General is using state resources to selectively solicit complaints to target U.S. Immigration and Customs Enforcement officers.
2. Makes conforming changes.

KAVANAGH FLOOR AMENDMENT
SENATE AMENDMENTS TO S.R. 1036
(Reference to printed resolution)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The resolution as proposed to be amended is reprinted as follows:

2 Whereas, the Arizona Constitution establishes the Attorney General
3 as the chief legal officer of Arizona, entrusted with the responsibility
4 to accurately interpret, uphold and explain the laws of this state; and

5 Whereas, public statements made by the Arizona Attorney General on
6 matters of criminal law, self-defense and the use of force carry
7 exceptional authority and are reasonably relied on by the public, law
8 enforcement officers and other governmental entities; and

9 Whereas, the lawful use of force against peace officers is among the
10 most serious and narrowly defined areas of Arizona law, governed by
11 specific statutory standards, controlling judicial precedent and
12 longstanding principles requiring submission to lawful authority and
13 resolution to disputes through the courts; and

14 Whereas, the Arizona Attorney General has publicly provided legal
15 commentary or advice concerning the circumstances under which members of
16 the public may use deadly force against federal, state and local law
17 enforcement officers; and

18 Whereas, such statements were materially incomplete, inaccurate or
19 insufficiently qualified and failed to adequately convey the narrow and
20 exceptional nature of any lawful justification for the use of force
21 against law enforcement officers; and

22 Whereas[,] inaccurate or imprecise public guidance on this subject
23 creates a foreseeable risk of confusion, escalation of encounters, harm to
24 civilians, harm or even death to law enforcement officers and erosion of
25 public confidence in the rule of law; and

26 [Whereas, multiple statewide law enforcement organizations
27 representing law enforcement officers and leaders have called the Arizona
28 Attorney General's statements harmful and dangerous to law enforcement;
29 and]

1 Whereas, the Arizona Attorney General is using state resources to
2 selectively solicit complaints to target United States Immigration and
3 Customs Enforcement officers; and]

4 Whereas, the [legislature] [Senate] has a constitutional and
5 institutional interest in affirming the importance of accurate legal
6 guidance, public safety and respect for lawful authority, while preserving
7 the rights of individuals to seek judicial remedies for alleged misconduct
8 by law enforcement officers; and

9 Whereas, the failure of the Arizona Attorney General to promptly
10 clarify or correct public legal statements that risk endangering the
11 public and all law enforcement officers or misrepresenting Arizona law
12 further exacerbates the potential harm caused by such statements.

13 Therefore

14 Be it resolved by the Senate of the State of Arizona~~[, the House of~~
15 ~~Representatives concurring]~~:

16 1. That the Members of the [legislature] [Senate] formally express
17 their disapproval of the Arizona Attorney General's public statements
18 regarding the use of force against law enforcement officers, to the extent
19 that those statements are inaccurate, incomplete or misleading under
20 Arizona law.

21 2. That the Members of the [legislature] [Senate] affirm that
22 Arizona law strongly favors submission to lawful authority and resolution
23 of disputes through judicial processes and that the lawful use of force
24 against law enforcement officers is allowed only in the most limited and
25 exceptional circumstances defined by statute and case law.

26 3. That the Members of the [legislature] [Senate] call on the
27 Arizona Attorney General to retract her dangerous rhetoric concerning the
28 use of deadly force against federal, state and local law enforcement
29 officers.

30 4. That the Members of the [legislature] [Senate] call on the
31 Arizona Attorney General to issue a public statement expressing support
32 for all federal, state and local law enforcement officers, including law
33 enforcement officers serving in the United States Immigration and Customs
34 Enforcement.

35 5. That the Members of the ~~[legislature calls]~~ [Senate call] on the
36 Arizona Attorney General to exercise greater care, precision and restraint
37 when publicly addressing matters involving criminal law, self-defense and
38 interactions with law enforcement officers.

39 6. That the Members of the [legislature] [Senate] call on the
40 Arizona Attorney General to issue clarifying corrective guidance that
41 accurately reflects Arizona law and minimizes the risk of public
42 misunderstanding or harm.

43 7. That the Members of the [legislature] [Senate] call on the
44 Arizona Attorney General to resign from her position because she has lost
45 the trust of Arizona law enforcement officers and her continuance as
46 Attorney General will offer support to those using her misstatements as a

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1 defense when charged with using deadly force against law enforcement
2 officers.

3 8. That the Members of the ~~[Legislature]~~ [Senate] declare that this
4 resolution is intended to protect the public and law enforcement safety,
5 uphold rule of law and preserve public confidence in the Office of
6 Attorney General and in Arizona's justice system.

7 Enroll and engross to conform

8 Amend title to conform

JOHN KAVANAGH

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