

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	No. 2023 - <u>175</u>
§ 5-303: PERSONNEL PRACTICES	)	(Affecting Administrative
	)	Order No. 2020-03)
	)	

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Pursuant to the Arizona Code of Judicial Administration (ACJA) § 1-201(E), the Chief Justice may adopt technical changes in existing administrative code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the amendments to ACJA § 5-303 as indicated on the attached document are adopted. All other provisions of § 5-303 remain unchanged and in effect.

Dated this 1<sup>st</sup> day of November, 2023.

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ROBERT BRUTINEL  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 5: Court Operations**  
**Chapter 3: Court Security**  
**Section: 5-303: Personnel Practices**

**A. Definitions.** The following definitions apply to this section:

\* \* \*

“Certified court security officer” means any court employee who provides court security, whether part- or full-time, and who has been granted certification by the director pursuant to the Arizona Code of Judicial Administration (ACJA) § 5-304.

\* \* \*

**B. through D. [No change]**

**E. Application and Background Investigation Requirements.**

1. and 2. [No change]
3. In addition to (E)(2), the character and fitness investigation for armed officers shall include a psychological evaluation that meets standards provided in subsection (H) of this code section. The character and fitness investigation for all officers shall include drug testing for illegal substances pursuant to the model policy contained in Appendix A of ACJA § 6-106, or a local policy into which the provisions have been incorporated.

**F. [No change]**

**G. Continuing Employment Requirements.**

1. The presiding judge shall, at a minimum:
  - a. and b. [No change]
  - c. Adopt and integrate policies and procedures for reasonable suspicion drug screening in accordance with subsection (I) of this code section.
  - d. [No change in text]
    - (1) -Citation for a misdemeanor or felony offense;
    - (2) through (6) [No change]
  - e. [No change]
2. [No change in text]

- a. and b. [No change]
- c. Based on the evaluation, the presiding judge shall review the assignment of a security officer to determine whether the officer can perform the assigned job duties consistent with the safety of the officer, other employees, and the public.
- d. The presiding judge may take away the firearm of a security officer, reassign, or take other appropriate action when it is determined that the officer can no longer perform the assigned job duties consistent with the safety of the officer, other employees, or the public.
- e. [No change]

3. All court security officers shall comply with:

- a. [No change]
- b. The Arizona Code of Judicial Administration-(ACJA); and
- c. [No change]

**H. [No change]**

**I. [No change in text]**

- 1. [No change in text]
  - a. [No change]
  - b. [No change in text]
    - (1) [No change]
    - (2) [No change in text]
      - (a) [No change]
      - (b) ~~p~~Pattern of abnormal conduct or erratic behavior.
      - (c) Arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation of illegal drug possession, use, or trafficking.
      - (d) and (e) [No change]
    - (3) and (4) [No change]
  - c. [No change]
- 2. A vendor approved by the presiding judge shall conduct employee drug tests for the illegal use of the following drugs, or classes of drugs:
  - a. Cannabis/Marijuana (only for pre-employment and reasonable suspicion testing);

b. though e. [No change]

f. Alcohol (only for pre-employment and reasonable suspicion testing);

g. [No change]

h. Heroin.

3. [No change]

**J. and K. [No change]**