

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

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EXECUTIVE ORDER

**Executive Order 2018-05**  
**Executive Policy on Legislative Immunity**

**Whereas**, the State of Arizona continues to be plagued with fatality rates on its highways;

**Whereas**, fatality rates are most often attributable to driver behavior;

**Whereas**, speed limits are set for the purpose of public safety;

**Whereas**, preserving the peace and protecting public safety is one of the most important duties of government;

**Whereas**, no one is above the law, including those of us with the privilege of serving in elected office;

**Whereas**, peace officers must not be pressured by those serving in elected office to look the other way when a violation of criminal law endangers the safety of another;

**Whereas**, peace officers must have support from those serving in elected office to exercise their professional judgment and expertise without regard for an individual's political stature;

**Whereas**, politicians are required to abide by the laws that have been adopted by their citizenry and those enacted by legislative and executive action;

**Whereas**, the Governor must take care to ensure that the laws of the State are faithfully executed;

**NOW, THEREFORE, I**, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona, do hereby direct the following:

1. Peace officers employed by the State of Arizona, including those at the Department of Public Safety, the Department of Transportation and any other agency of the State that may be in a position to enforce criminal traffic violations, shall consider any criminal violation that endangers the safety of another including but not limited to, criminal speeding, reckless driving and driving under the influence, as a "breach of the peace" under Title 4, Section 6, Part 2 of the Arizona Constitution. It is clear in some recent cases that the peace has been breached, and we have a responsibility to enforce the law in these cases.
2. Peace officers employed by the State of Arizona shall strictly limit application of Title 4, Section 6, Part 2 of the Arizona Constitution, to circumstances where immunity applies during the legislative session and the 15 days immediately prior to the start of the session.
3. All agencies managing Arizona Peace Officers and Standards Training Board (AZPOST) certified peace officers are encouraged to adopt this policy as it relates to Title 4, Section 6, Part 2 of the Arizona Constitution.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

*Douglas H. Jones*

GOVERNOR

DONE at the Capitol in Phoenix on this 20<sup>th</sup> day of July in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:

*Michelle Reagan*

Secretary of State