

REFERENCE TITLE: **serious; violent; aggravated felony; definition**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2575

Introduced by
Representative Blackman

AN ACT

AMENDING SECTION 13-706, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-706, Arizona Revised Statutes, is amended to
3 read:

4 13-706. Serious, violent or aggravated offenders; sentencing;
5 life imprisonment; definitions

6 A. A person who is at least eighteen years of age or who has been
7 tried as an adult and who is convicted of a serious offense except a drug
8 offense, first degree murder or any dangerous crime against children as
9 defined in section 13-705, whether a completed or preparatory offense, and
10 who has previously been convicted of two or more serious offenses not
11 committed on the same occasion shall be sentenced to life imprisonment and
12 is not eligible for suspension of sentence, probation, pardon or release
13 from confinement on any basis, except as specifically authorized by
14 section 31-233, subsection A or B, until the person has served at least
15 twenty-five years or the sentence is commuted.

16 B. Unless a longer term of imprisonment or death is the prescribed
17 penalty and notwithstanding any provision that establishes a shorter term
18 of imprisonment, a person who has been convicted of committing or
19 attempting or conspiring to commit any violent or aggravated felony and
20 who has previously been convicted on separate occasions of two or more
21 violent or aggravated felonies not committed on the same occasion shall be
22 sentenced to imprisonment for life and is not eligible for suspension of
23 sentence, probation, pardon or release on any basis except that the person
24 may be eligible for commutation after the person has served at least
25 thirty-five years.

26 C. In order for the penalty under subsection B of this section to
27 apply, both of the following must occur:

28 1. The aggravated or violent felonies that comprise the prior
29 convictions shall have been entered within fifteen years of the conviction
30 for the third offense, not including time spent in custody or on probation
31 for an offense or while the person is an absconder.

32 2. The sentence for the first aggravated or violent felony
33 conviction shall have been imposed before the conduct occurred that gave
34 rise to the second conviction, and the sentence for the second aggravated
35 or violent felony conviction shall have been imposed before the conduct
36 occurred that gave rise to the third conviction.

37 D. Chapter 3 of this title applies to all offenses under this
38 section.

39 E. For the purposes of this section, if a person has been convicted
40 of an offense committed in another jurisdiction that if committed in this
41 state would be a violation or attempted violation of any of the offenses
42 listed in this section and that has the same elements of an offense listed
43 in this section, the offense committed in another jurisdiction is
44 considered an offense committed in this state.

- 1 F. For the purposes of this section:
2 1. "Serious offense" means any of the following offenses if
3 committed in this state or any offense committed outside this state that
4 if committed in this state would constitute one of the following offenses:
5 (a) First degree murder.
6 (b) Second degree murder.
7 (c) Manslaughter.
8 (d) Aggravated assault resulting in serious physical injury or
9 involving the discharge, use or threatening exhibition of a deadly weapon
10 or dangerous instrument.
11 (e) Sexual assault.
12 (f) Any dangerous crime against children.
13 (g) Arson of an occupied structure.
14 (h) Armed robbery.
15 (i) Burglary in the first degree.
16 (j) Kidnapping.
17 (k) Sexual conduct with a minor under fifteen years of age.
18 (l) Child sex trafficking.
19 (m) UNLAWFUL MUTILATION.
20 (n) SEX TRAFFICKING PURSUANT TO SECTION 13-1307.
21 (o) SMUGGLING PURSUANT TO SECTION 13-2319.
22 (p) PARTICIPATING IN OR ASSISTING A HUMAN SMUGGLING ORGANIZATION.
23 (q) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES.
24 2. "Violent or aggravated felony" means any of the following
25 offenses:
26 (a) First degree murder.
27 (b) Second degree murder.
28 (c) Aggravated assault resulting in serious physical injury or
29 involving the discharge, use or threatening exhibition of a deadly weapon
30 or dangerous instrument.
31 (d) Dangerous or deadly assault by prisoner.
32 (e) Committing assault with intent to incite to riot or participate
33 in riot.
34 (f) Drive by shooting.
35 (g) Discharging a firearm at a residential structure if the
36 structure is occupied.
37 (h) Kidnapping.
38 (i) Sexual conduct with a minor that is a class 2 felony.
39 (j) Sexual assault.
40 (k) Molestation of a child.
41 (l) Continuous sexual abuse of a child.
42 (m) Violent sexual assault.
43 (n) Burglary in the first degree committed in a residential
44 structure if the structure is occupied.
45 (o) Arson of an occupied structure.

- 1 (p) Arson of an occupied jail or prison facility.
- 2 (q) Armed robbery.
- 3 (r) Participating in or assisting a criminal syndicate or leading
- 4 or participating in a criminal street gang.
- 5 (s) Terrorism.
- 6 (t) Taking a child for the purpose of prostitution.
- 7 (u) Child sex trafficking.
- 8 (v) Commercial sexual exploitation of a minor.
- 9 (w) Sexual exploitation of a minor.
- 10 (x) Unlawful introduction of disease or parasite as prescribed by
- 11 section 13-2912, subsection A, paragraph 2 or 3.
- 12 (y) UNLAWFUL MUTILATION.
- 13 (z) SEX TRAFFICKING PURSUANT TO SECTION 13-1307.
- 14 (aa) SMUGGLING PURSUANT TO SECTION 13-2319.
- 15 (bb) PARTICIPATING IN OR ASSISTING A HUMAN SMUGGLING ORGANIZATION.
- 16 (cc) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES.