

REFERENCE TITLE: death penalty; prohibition

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HCR 2035**

Introduced by  
Representatives Salman: Aguilar, Austin, Blattman, Bravo, Cano, Contreras  
L, De Los Santos, Hernandez L, Hernandez M, Longdon, Ortiz, Quiñonez,  
Sandoval, Shah, Stahl Hamilton, Sun, Tsosie, Senators Alston, Diaz,  
Fernandez, Gabaldón, Hernandez, Mendez, Miranda, Terán

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTIONS 22 AND 23, CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 38; REPEALING ARTICLE XXII, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO THE DEATH PENALTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:

3 1. Article II, section 22, Constitution of Arizona, is proposed to  
4 be amended as follows if approved by the voters and on proclamation of the  
5 Governor:

6 22. Bailable offenses

7 Section 22. A. All persons charged with crime shall be  
8 bailable by sufficient sureties, except:

9 1. For ~~capital offenses~~, sexual assault, sexual conduct  
10 with a minor under fifteen years of age or molestation of a  
11 child under fifteen years of age when the proof is evident or  
12 the presumption great.

13 2. For felony offenses committed when the person  
14 charged is already admitted to bail on a separate felony  
15 charge and where the proof is evident or the presumption great  
16 as to the present charge.

17 3. For felony offenses if the person charged poses a  
18 substantial danger to any other person or the community, if no  
19 conditions of release which may be imposed will reasonably  
20 assure the safety of the other person or the community and if  
21 the proof is evident or the presumption great as to the  
22 present charge.

23 4. For serious felony offenses as prescribed by the  
24 legislature if the person charged has entered or remained in  
25 the United States illegally and if the proof is evident or the  
26 presumption great as to the present charge.

27 B. The purposes of bail and any conditions of release  
28 that are set by a judicial officer include:

29 1. Assuring the appearance of the accused.

30 2. Protecting against the intimidation of witnesses.

31 3. Protecting the safety of the victim, any other  
32 person or the community.

33 2. Article II, section 23, Constitution of Arizona, is proposed to  
34 be amended as follows if approved by the voters and on proclamation of the  
35 Governor:

36 23. Trial by jury; number of jurors specified by law

37 Section 23. The right of trial by jury shall remain  
38 inviolate. Juries in criminal cases in which a sentence of  
39 ~~death or~~ imprisonment for thirty years or more is authorized  
40 by law shall consist of twelve persons. In all criminal cases  
41 the unanimous consent of the jurors shall be necessary to  
42 render a verdict. In all other cases, the number of jurors,  
43 not less than six, and the number required to render a  
44 verdict, shall be specified by law.

1           3. Article II, Constitution of Arizona, is proposed to be amended  
2 by adding section 38 as follows if approved by the voters and on  
3 proclamation of the Governor:

4                   38. Sentence of death; prohibition  
5                   SECTION 38. NO PERSON SHALL BE SENTENCED TO DEATH IN  
6 THIS STATE.

7           4. Article XXII, section 22, Constitution of Arizona, is proposed  
8 to be repealed as follows if approved by the voters and on proclamation of  
9 the Governor:

10                   Article XXII, section 22, Constitution of Arizona,  
11 relating to the judgment of death, is repealed.

12           5. The Secretary of State shall submit this proposition to the  
13 voters at the next general election as provided by article XXI,  
14 Constitution of Arizona.