

REFERENCE TITLE: **felony murder; fentanyl; sentencing**

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# **SB 1029**

Introduced by  
Senator Kern

AN ACT

AMENDING SECTION 13-1105, ARIZONA REVISED STATUTES; RELATING TO HOMICIDE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1105, Arizona Revised Statutes, is amended to  
3 read:

4 13-1105. First degree murder; classification

5 A. A person commits first degree murder if:

6 1. Intending or knowing that the person's conduct will cause death,  
7 the person causes the death of another person, including an unborn child,  
8 with premeditation or, as a result of causing the death of another person  
9 with premeditation, causes the death of an unborn child.

10 2. Acting either alone or with one or more other persons the person  
11 commits or attempts to commit sexual conduct with a minor under section  
12 13-1405, sexual assault under section 13-1406, molestation of a child  
13 under section 13-1410, terrorism under section 13-2308.01, marijuana  
14 offenses under section 13-3405, subsection A, paragraph 4, dangerous drug  
15 offenses under section 13-3407, subsection A, paragraphs 4 and 7,  
16 narcotics offenses under section 13-3408, subsection A, paragraph 7 that  
17 equal or exceed the statutory threshold amount for each offense or  
18 combination of offenses, NARCOTICS OFFENSES UNDER SECTION 13-3408,  
19 SUBSECTION A, PARAGRAPHS 2, 4 AND 7 IF THE NARCOTIC INVOLVED IS FENTANYL,  
20 involving or using minors in drug offenses under section 13-3409, drive by  
21 shooting under section 13-1209, kidnapping under section 13-1304, burglary  
22 under section 13-1506, 13-1507 or 13-1508, arson under section 13-1703 or  
23 13-1704, robbery under section 13-1902, 13-1903 or 13-1904, escape under  
24 section 13-2503 or 13-2504, child abuse under section 13-3623, subsection  
25 A, paragraph 1 or unlawful flight from a pursuing law enforcement vehicle  
26 under section 28-622.01 and, in the course of and in furtherance of the  
27 offense or immediate flight from the offense, the person or another person  
28 causes the death of any person.

29 3. Intending or knowing that the person's conduct will cause death  
30 to a law enforcement officer, the person causes the death of a law  
31 enforcement officer who is in the line of duty.

32 B. Homicide, as prescribed in subsection A, paragraph 2 of this  
33 section, requires no specific mental state other than what is required for  
34 the commission of any of the enumerated felonies.

35 C. An offense under subsection A, paragraph 1 of this section  
36 applies to an unborn child in the womb at any stage of its development. A  
37 person shall not be prosecuted under subsection A, paragraph 1 of this  
38 section if any of the following applies:

39 1. The person was performing an abortion for which the consent of  
40 the pregnant woman, or a person authorized by law to act on the pregnant  
41 woman's behalf, has been obtained or for which the consent was implied or  
42 authorized by law.

- 1           2. The person was performing medical treatment on the pregnant
- 2 woman or the pregnant woman's unborn child.
- 3           3. The person was the unborn child's mother.
- 4           D. First degree murder is a class 1 felony and is punishable by
- 5 death or life imprisonment as provided by sections 13-751 and 13-752.