

Senate Engrossed  
probation; transfer

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SENATE BILL 1364

AN ACT

AMENDING SECTION 13-901, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-901, Arizona Revised Statutes, is amended to  
3 read:

4 13-901. Probation

5 A. If a person who has been convicted of an offense is eligible for  
6 probation, the court may suspend the imposition or execution of sentence  
7 and, if so, shall without delay place the person on intensive probation  
8 supervision pursuant to section 13-913 or supervised or unsupervised  
9 probation on such terms and conditions as the law requires and the court  
10 deems appropriate, including participation in any programs authorized in  
11 title 12, chapter 2, article 11. If a person is not eligible for  
12 probation, imposition or execution of sentence shall not be suspended or  
13 delayed. If the court imposes probation, it may also impose a fine as  
14 authorized by chapter 8 of this title. If probation is granted the court  
15 shall impose a condition that the person waive extradition for any  
16 probation revocation procedures and it shall order restitution pursuant to  
17 section 13-603, subsection C where there is a victim who has suffered  
18 economic loss. When granting probation to an adult the court, as a  
19 condition of probation, shall assess a monthly fee of not less than \$65  
20 unless, after determining the inability of the probationer to pay the fee,  
21 the court assesses a lesser fee. This fee is not subject to any  
22 surcharge. In justice and municipal courts the fee shall only be assessed  
23 when the person is placed on supervised probation. For persons placed on  
24 probation in the superior court, the fee shall be paid to the clerk of the  
25 superior court and the clerk of the court shall pay all monies collected  
26 from this fee to the county treasurer for deposit in the adult probation  
27 services fund established by section 12-267. For persons placed on  
28 supervised probation in the justice court, the fee shall be paid to the  
29 justice court and the justice court shall transmit all of the monies to  
30 the county treasurer for deposit in the adult probation services fund  
31 established by section 12-267. For persons placed on supervised probation  
32 in the municipal court, the fee shall be paid to the municipal court. The  
33 municipal court shall transmit all of the monies to the city treasurer who  
34 shall transmit the monies to the county treasurer for deposit in the adult  
35 probation services fund established by section 12-267. Any amount  
36 assessed pursuant to this subsection shall be used to supplement monies  
37 used for the salaries of adult probation and surveillance officers and for  
38 support of programs and services of the superior court adult probation  
39 departments.

40 B. The period of probation shall be determined according to section  
41 13-902, except that if a person is released pursuant to section 31-233,  
42 subsection B and community supervision is waived pursuant to section  
43 13-603, subsection K, the court shall extend the period of probation by  
44 the amount of time the director of the state department of corrections  
45 approves for the inmate's temporary release.

1 C. The court, in its discretion, may issue a warrant for the  
2 rearrest of the defendant and may modify or add to the conditions or, if  
3 the defendant commits an additional offense or violates a condition, may  
4 revoke probation in accordance with the rules of criminal procedure at any  
5 time before the expiration or termination of the period of probation. If  
6 the court revokes the defendant's probation and the defendant is serving  
7 more than one probationary term concurrently, the court may sentence the  
8 person to terms of imprisonment to be served consecutively.

9 D. At any time during the probationary term of the person released  
10 on probation, any probation officer, without warrant or other process and  
11 at any time until the final disposition of the case, may rearrest any  
12 person and bring the person before the court.

13 E. The court, on its own initiative or on application of the  
14 probationer, after notice and an opportunity to be heard for the  
15 prosecuting attorney and, on request, the victim, may terminate the period  
16 of probation or intensive probation and discharge the defendant at a time  
17 earlier than that originally imposed if in the court's opinion the ends of  
18 justice will be served and if the conduct of the defendant on probation  
19 warrants it.

20 F. When granting probation the court may require that the defendant  
21 be imprisoned in the county jail at whatever time or intervals,  
22 consecutive or nonconsecutive, the court shall determine, within the  
23 period of probation, as long as the period actually spent in confinement  
24 does not exceed one year or the maximum period of imprisonment allowed  
25 under chapter 7 of this title, whichever is the shorter.

26 G. If the defendant is placed on lifetime probation and has served  
27 one year in the county jail as a term of probation, the court may require  
28 that the defendant be additionally imprisoned in the county jail at  
29 whatever time or intervals, consecutive or nonconsecutive, the court shall  
30 determine, within the period of probation if the defendant's probation is  
31 revoked by the court and the defendant is subsequently reinstated on  
32 probation. The period actually spent in confinement as a term of being  
33 reinstated on probation shall not exceed one year or, when including the  
34 initial one-year period of incarceration imposed as a term of probation,  
35 the maximum period of imprisonment allowed under chapter 7 of this title,  
36 whichever is shorter.

37 H. If restitution is made a condition of probation, the court shall  
38 fix the amount of restitution and the manner of performance pursuant to  
39 chapter 8 of this title.

40 I. When granting probation, the court shall set forth at the time  
41 of sentencing and on the record the factual and legal reasons in support  
42 of each sentence.

43 J. If the defendant meets the criteria set forth in section  
44 13-901.01 or 13-3422, the court may place the defendant on probation  
45 pursuant to either section. If a defendant is placed on probation

1 pursuant to section 13-901.01 or 13-3422, the court may impose any term of  
2 probation that is authorized pursuant to this section and that is not in  
3 violation of section 13-901.01.

4 K. If the court imposes a term of probation, the court may require  
5 the defendant to report to a probation officer. The court or the  
6 defendant's probation officer may allow the defendant to fulfill a  
7 reporting requirement through remote reporting. The probation officer  
8 shall take into consideration and make accommodations for the  
9 probationer's work schedule, family caregiver obligations, substance abuse  
10 treatment or recovery program, mental health treatment, transportation  
11 availability and medical care requirements before setting the reporting  
12 time and location requirements for the probationer.

13 L. AT THE TIME OF SENTENCING OR DISPOSITION, IF A PROBATIONER MAKES  
14 A WRITTEN REQUEST TO THE SUPERVISING PROBATION DEPARTMENT TO COURTESY  
15 TRANSFER THE PROBATIONER'S INTENSIVE PROBATION SUPERVISION OR SUPERVISED  
16 PROBATION TO ANOTHER COUNTY IN THIS STATE WITH THE INTENT TO RESIDE IN  
17 THAT COUNTY AND PROVIDES PROOF OF FAMILY CAREGIVER OBLIGATIONS, EMPLOYMENT  
18 OR HOUSING, OR AN OFFER OF EMPLOYMENT OR HOUSING THAT WILL ASSIST IN THE  
19 PROBATIONER'S POSITIVE BEHAVIORAL CHANGE, THE SUPERVISING PROBATION  
20 DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

21 1. CONFIRM THE DETAILS OF THE PROBATIONER'S EMPLOYMENT, HOUSING OR  
22 FAMILY CAREGIVING PLANS.

23 2. REVIEW ANY VICTIM SAFETY CONCERNS AND ENSURE COMPLIANCE WITH THE  
24 VICTIMS' BILL OF RIGHTS.

25 3. SUBMIT THE REQUEST FOR PERMISSION TO PROCEED TO THE RECEIVING  
26 COUNTY WITHIN SEVEN BUSINESS DAYS AFTER RECEIPT.

27 M. AFTER VERIFYING THE INFORMATION SUBMITTED BY THE SENDING  
28 PROBATION DEPARTMENT PURSUANT TO SUBSECTION L OF THIS SECTION, THE  
29 RECEIVING PROBATION DEPARTMENT SHALL PROVIDE THE SENDING PROBATION  
30 DEPARTMENT WITH PERMISSION FOR THE PROBATIONER TO PROCEED TO THE RECEIVING  
31 COUNTY WITHIN SEVEN BUSINESS DAYS AFTER RECEIPT UNLESS THE RECEIVING  
32 PROBATION DEPARTMENT FINDS THE BASIS FOR THE PLAN IS NOT FACTUAL OR THE  
33 TRANSFER WILL ENDANGER THE VICTIM.

34 N. IF A PROBATIONER'S INTENSIVE PROBATION SUPERVISION OR SUPERVISED  
35 PROBATION IS COURTESY TRANSFERRED TO ANOTHER COUNTY PURSUANT TO SUBSECTION  
36 L OF THIS SECTION AND THE PROBATIONER SUBSEQUENTLY VIOLATES THE TERMS OF  
37 THE PROBATIONER'S PROBATION OR COMMITS AN ADDITIONAL OFFENSE WHILE ON  
38 PROBATION, THE PROBATION DEPARTMENT IN THE COUNTY IN WHICH THE PROBATION  
39 VIOLATION OR ADDITIONAL OFFENSE OCCURRED MAY NOT RETURN THE PROBATIONER'S  
40 INTENSIVE PROBATION SUPERVISION OR SUPERVISED PROBATION BACK TO THE COUNTY  
41 IN WHICH THE PROBATIONER'S PROBATION WAS ORIGINALLY IMPOSED EXCEPT FOR  
42 REVOCATION HEARINGS OR AN ORDER OF THE COURT.