

REFERENCE TITLE: **felony murder; offense**

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

SB 1423

Introduced by
Senators Hernandez: Gabaldón, Hatathlie, Mendez, Sundareshan;
Representatives Ortiz, Sandoval, Villegas

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, involving or using minors in drug offenses under
19 section 13-3409, drive by shooting under section 13-1209, kidnapping under
20 section 13-1304, burglary under section 13-1506, 13-1507 or 13-1508, arson
21 under section 13-1703 or 13-1704, robbery under section 13-1902, 13-1903
22 or 13-1904, escape under section 13-2503 or 13-2504, child abuse under
23 section 13-3623, subsection A, paragraph 1 or unlawful flight from a
24 pursuing law enforcement vehicle under section 28-622.01 and, in the
25 course of and in furtherance of the offense or immediate flight from the
26 offense, the person or another person causes the death of any person.

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

30 B. Homicide, as prescribed in subsection A, paragraph 2 of this
31 section, requires no specific mental state other than what is required for
32 the commission of any of the enumerated felonies **IF THE PERSON IS THE
33 ACTUAL KILLER. IF THE PERSON IS NOT THE ACTUAL KILLER, HOMICIDE AS
34 PRESCRIBED IN SUBSECTION A, PARAGRAPH 2 OF THIS SECTION REQUIRES THAT THE
35 PERSON, WITH THE INTENT TO KILL, AIDED, ABETTED, COUNSELED, COMMANDED,
36 INDUCED, SOLICITED, REQUESTED OR ASSISTED THE ACTUAL KILLER IN THE CONDUCT
37 THAT CAUSED THE DEATH.**

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

42 1. The person was performing an abortion for which the consent of
43 the pregnant woman, or a person authorized by law to act on the pregnant
44 woman's behalf, has been obtained or for which the consent was implied or
45 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.