

1995 CRIMINAL CODE



**Arizona Supreme Court
Administrative Office of the Courts
1501 West Washington
Phoenix, Arizona 85007**

MISDEMEANORS, FINES, FINANCIAL ASSESSMENTS, LENGTH OF PROBATION RANGES & MURDERS

PENALTIES FOR MISDEMEANORS

CLASS	JAIL	FINES	
	CLASS 1	Up to 6 months jail	Up to \$2500 (persons)
CLASS 2	Up to 4 months jail	Up to \$750 (persons)	Up to \$10,000 (enterprises)
CLASS 3	Up to 30 days jail	Up to \$500 (persons)	Up to \$2,000 (enterprises)
PETTY OFFENSE		Up to \$300 (persons)	Up to \$1,000 (enterprises)

FINES FOR FELONIES

UP TO \$150,000 PER CHARGE (PERSONS); UP TO \$1,000,000 PER CHARGE (ENTERPRISES)

PENALTY ASSESSMENTS

AMOUNT ADDED TO ALL FINES, PENALTIES AND FORFEITURES	§12-116.01 (CJEF)	§12-116.02 (MSEF)	§12-116 (TIME PAYMENT)
	46%	13% *	\$12.00

* THE SURCHARGE FOR THE MSEF HAS BEEN INCREASED FROM 11% TO 13% EFFECTIVE SEPTEMBER 1, 1995.

AFTER ADDING THE PENALTY ASSESSMENTS TO ANY FINE, THE JUDGE MAY WAIVE ALL OR PART OF THE TOTAL ASSESSMENT IF IT WOULD WORK A HARDSHIP ON THE CONVICTED PERSON OR IMMEDIATE FAMILY. IF A PORTION OF THE TOTAL ASSESSMENT IS WAIVED, THE AMOUNT ASSESSED MUST BE DIVIDED ACCORDING TO THE PROPORTION THAT THE FINE AND PENALTY ASSESSMENT REPRESENT OF THE TOTAL AMOUNT DUE. IF THE TOTAL ASSESSMENT INCLUDES A MANDATORY FINE AND A PART OF THE TOTAL ASSESSMENT IS WAIVED, THE JUDGE MUST WAIVE ALL OR PROPORTIONATE PART OF THE PENALTY ASSESSMENTS. THE TIME PAYMENT FEE CANNOT BE WAIVED.

PROBATION RANGES

GENERAL CRIMES: UNLESS TERMINATED SOONER, THE TERM OF PROBATION FOR A CLASS 2 FELONY IS UP TO 7 YEARS; CLASS 3 FELONY, UP TO 5 YEARS; CLASS 4 FELONY, UP TO 4 YEARS; CLASS 5 OR 6 FELONY, UP TO 3 YEARS; CLASS 1 MISDEMEANOR, UP TO 3 YEARS; CLASS 2 MISDEMEANOR, UP TO 2 YEARS; AND CLASS 3 MISDEMEANOR, UP TO 1 YEAR. FOR A CONVICTION OF ANY **FELONY SEX OFFENSE** FOR WHICH PROBATION IS AVAILABLE, THE TERM OF PROBATION SHALL BE FOR AT LEAST THE MAXIMUM TERM OF PROBATION ALLOWED FOR THAT CLASS FELONY AND MAY BE FOR A TERM UP TO LIFE.

DUI: FOR A CONVICTION FOR A VIOLATION OF §28-692, THE TERM OF PROBATION IS UP TO 5 YEARS AND FOR §28-697, UP TO 10 YEARS.

1ST AND 2ND DEGREE MURDER

1ST DEGREE MURDER: DEATH; LIFE SENTENCE WITHOUT RELEASE ON ANY BASIS FOR THE REMAINDER OF THE DEFENDANT'S NATURAL LIFE. (AN ORDER SENTENCING THE DEFENDANT TO NATURAL LIFE IS NOT SUBJECT TO COMMUTATION OR PAROLE, WORK FURLOUGH OR WORK RELEASE.) IF THE COURT DOES NOT SENTENCE THE DEFENDANT TO NATURAL LIFE, THE DEFENDANT SHALL NOT BE RELEASED ON ANY BASIS UNTIL HAVING SERVED 25 CALENDAR YEARS IF THE VICTIM WAS 15 OR MORE YEARS OF AGE AND 35 CALENDAR YEARS IF THE VICTIM WAS UNDER 15 YEARS OF AGE. §13-703.

2ND DEGREE MURDER: EXCEPT AS PROVIDED IN §13-604 (S) OR §13-604.01, IMPRISONMENT FOR 16 CALENDAR YEARS WITH A POSSIBLE INCREASE OR DECREASE OF 6 YEARS FOR AGGRAVATING OR MITIGATING CIRCUMSTANCES. EXCEPT AS PROVIDED IN §13-604 (S) OR §13-604.01, A PERSON PREVIOUSLY CONVICTED OF 2ND DEGREE MURDER OR A CLASS 2 OR 3 FELONY INVOLVING THE USE OR EXHIBITION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT OR THE INTENTIONAL OR KNOWING INFLICTION OF SERIOUS PHYSICAL INJURY ON ANOTHER SHALL BE IMPRISONED FOR 20 CALENDAR YEARS WITH A POSSIBLE INCREASE OR DECREASE OF 5 YEARS FOR AGGRAVATING OR MITIGATING CIRCUMSTANCES. §13-710.

(eff. July 13, 1995)

MULTIPLE DRUG OFFENSES SENTENCING RANGES

DRUG OFFENSES - MULTIPLE OFFENSES - Below Statutory Threshold Amounts

CLASS	SECOND OFFENSE			SUBSEQUENT OFFENSES		
	MIN	P	MAX	MIN	P	MAX
2	(3)* 4	5	10 (12.5)†	(3)* 4	5	10 (12.5)†
3	(2)* 2.5	3.5	7 (8.75)†	(2)* 2.5	3.5	7 (8.75)†
4	(1)* 1.5	2.5	3 (3.75)†	(1)* 1.5	2.5	3 (3.75)†
5	(.5)* .75	1.5	2 (2.5)†	(.5)* .75	1.5	2 (2.5)†

 Probation eligible

DRUG OFFENSES - MULTIPLE OFFENSES - Above Statutory Threshold Amounts

CLASS	SECOND OFFENSE			SUBSEQUENT OFFENSES		
	MIN	P	MAX	MIN	P	MAX
2	(3)* 4	5	10 (12.5)†	4	7	12 (15)†
3	(2)* 2.5	3.5	7 (8.75)†	2.5	5	9 (11.25)†
4	(1)* 1.5	2.5	3 (3.75)†	1.5	3	5 (6.25)†
5	(.5)* .75	1.5	2 (2.5)†	.75	2.5	4 (5)†

* Approximate 25% reduction; 2 or more substantial mitigating factors. A.R.S. §13-3419.

† Approximate 25% increase; 2 or more substantial aggravating factors. A.R.S. §13-3419.

A defendant may earn release credits of one day for every six days served. Commutation is possible.

DANGEROUS CRIMES AGAINST CHILDREN SENTENCING RANGES

CLASS	FIRST			ONE PREDICATE PRIOR			TWO PREDICATE PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
CATEGORY A ¹	13	20	27	23	30	37		LIFE	
CATEGORY B ²	10	17	24	21	28	35		LIFE	
CATEGORY C ³	2.5	5	7.5	8	15	22		N/A	
CATEGORY D ⁴	5	10	15	5	10	15		N/A	

 Probation eligible

¹ Second degree murder, sexual assault, taking a child for the purpose of prostitution, child prostitution, sexual conduct with a minor or continuous sexual abuse of a child, or involving or using minors in drug offenses.

² Aggravated assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, child abuse or kidnapping.

³ Sexual abuse.

⁴ Preparatory offenses.

Categories A and B: Unless commuted, not eligible for suspension, probation, pardon or release from confinement on any basis until the complete sentence is served.

Categories C and D: A defendant may earn release credits of one day for every six days served. Commutation is possible.

A prison sentence imposed for a dangerous crime against children in the first or second degree shall be consecutive to any other sentence imposed at any time except a conviction involving child molestation or sexual abuse may be concurrent to any other sentence imposed at any time if the offenses involved only one victim.

GENERAL CRIMES SENTENCING RANGES

NON-DANGEROUS OFFENSES

CLASS	FIRST OFFENSE			ONE HISTORICAL PRIOR			TWO HISTORICAL PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	(3)* 4	5	10 (12.5)†	(4.5)* 6	9.25	18.5 (23.25)†	(10.5)* 14	15.75	28 (35)†
3	(2)* 2.5	3.5	7 (8.75)†	(3.5)* 4.5	6.5	13 (16.25)†	(7.5)* 10	11.25	20 (25)†
4	(1)* 1.5	2.5	3 (3.75)†	(2.25)* 3	4.5	6 (7.5)†	(6)* 8	10	12 (15)†
5	(.5)* .75	1.5	2 (2.5)†	(1)* 1.5	2.25	3 (3.75)†	(3)* 4	5	6 (7.5)†
6	(.33)* .5	1	1.5 (2)†	(.75)* 1	1.75	2.25 (2.75)†	(2.25)* 3	3.75	4.5 (5.75)†

Probation eligible, except for single drug offenses involving manufacture or in which the amount exceeds the statutory threshold. Convictions for first offense sexual assault: minimum of 5.25 years, presumptive of 7 years and a maximum of 14 years with no early release unless the sentence is commuted.

NON-DANGEROUS OFFENSES - MULTIPLE OFFENSES - (§ 13-702.02)

CLASS	SECOND OFFENSE			SUBSEQUENT OFFENSES		
	MIN	P	MAX	MIN	P	MAX
2	(3)* 4	5	10 (12.5)†	(4.5)* 6	9.25	18.5 (23.25)†
3	(2)* 2.5	3.5	7 (8.75)†	(3.5)* 4.5	6.5	13 (16.25)†
4	(1)* 1.5	2.5	3 (3.75)†	(2.25)* 3	4.5	6 (7.5)†
5	(.5)* .75	1.5	2 (2.5)†	(1)* 1.5	2.25	3 (3.75)†
6	(.33)* .5	1	1.5 (2)†	(.75)* 1	1.75	2.25 (2.75)†

DANGEROUS OFFENSES

CLASS	FIRST OFFENSE			ONE HISTORICAL DANGEROUS PRIOR			TWO HISTORICAL DANGEROUS PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	7	10.5	21	14	15.75	28	21	28	35
3	5	7.5	15	10	11.25	20	15	20	25
4	4	6	8	8	10	12	12	14	16
5	2	3	4	4	5	6	6	7	8
6	1.5	2.25	3	3	3.75	4.5	4.5	5.25	6

DANGEROUS OFFENSES - MULTIPLE OFFENSES - (§ 13-702.02)

CLASS	SECOND DANGEROUS OFFENSE		SUBSEQUENT DANGEROUS OFFENSES	
	MIN/P	MAX	MIN/P	MAX
2	10.5	21 (26.25)†	15.75	28 (35)†
3	7.5	15 (18.75)†	11.25	20 (25)†
4	6	8 (10)†	10	12 (15)†
5	3	4 (5)†	5	6 (7.5)†
6	2.25	3 (3.75)†	3.75	4.5 (5.75)†

* Approximate 25% reduction: 2 or more substantial mitigating factors. A.R.S. §13-702.01
 † Approximate 25% increase: 2 or more substantial aggravating factors. A.R.S. §13-702.01

A defendant may earn release credits of one day for every six days served. Commutation is possible.

COMMUNITY SUPERVISION RANGES

NON-DANGEROUS OFFENSES

CLASS	FIRST OFFENSE			ONE HISTORICAL PRIOR			TWO HISTORICAL PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	(5m) 7m	9m	1y5m (1y9m)	(8m) 10m	1y4m	2y8m (3y4m)	(1y6m) 2y	2y3m	4y (5y)
3	(3m) 4m	6m	1y (1y3m)	(6m) 8m	11m	1y10m (2y4m)	(1y1m) 1y5m	1y7m	2y10m (3y7m)
4	(2m) 3m	4m	5m (6m)	(4m) 5m	8m	10m (1y1m)	(10m) 1y2m	1y5m	1y9m (2y2m)
5	(1m) 1m	3m	3m (4m)	(2m) 3m	4m	5m (6m)	(5m) 7m	9m	10m (1y1m)
6	(1m) 1m	2m	3m (3m)	(1m) 2m	3m	4m (5m)	(4m) 5m	6m	8m (10m)

NON-DANGEROUS OFFENSES- MULTIPLE OFFENSES (§13-702.02)

CLASS	SECOND OFFENSE			SUBSEQUENT OFFENSES		
	MIN	P	MAX	MIN	P	MAX
2	(5m) 7m	9m	1y5m (1y9m)	(8m) 10m	1y4m	2y8m (3y4m)
3	(3m) 4m	6m	1y (1y3m)	(6m) 8m	11m	1y10m (2y4m)
4	(2m) 3m	4m	5m (6m)	(4m) 5m	8m	10m (1y1m)
5	(1m) 1m	3m	3m (4m)	(2m) 3m	4m	5m (6m)
6	(1m) 1m	2m	3m (3m)	(1m) 2m	3m	4m (5m)

DANGEROUS OFFENSES

CLASS	FIRST OFFENSE			ONE HISTORICAL DANGEROUS PRIOR			TWO HISTORICAL DANGEROUS PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	1y	1y6m	3y	2y	2y3m	4y	3y	4y	5y
3	9m	1y1m	2y2m	1y5m	1y7m	2y10m	2y2m	2y10m	3y7m
4	7m	10m	1y2m	1y2m	1y5m	1y9m	1y9m	2y	2y3m
5	3m	5m	7m	7m	9m	10m	10m	1y	1y2m
6	3m	4m	5m	5m	6m	8m	8m	9m	10m

DANGEROUS OFFENSES - MULTIPLE OFFENSES - (§ 13-702.02)

CLASS	SECOND DANGEROUS OFFENSE		SUBSEQUENT DANGEROUS OFFENSES	
	MIN/P	MAX	MIN/P	MAX
2	1y6m	3y (3y9m)	2y3m	4y (5y)
3	1y1m	2y2m (2y8m)	1y7m	2y10m (3y7m)
4	10m	1y2m (1y5m)	1y5m	1y9m (2y2m)
5	5m	7m (9m)	9m	10m (1y1m)
6	4m	5m (6m)	6m	8m (10m)

For each prison sentence imposed, the court must order a term of community supervision to run consecutive to the prison sentence. The community supervision term is one day for every seven days of the sentence imposed, A.R.S. §13-603 (I), except pursuant to A.R.S. §13-603 (J).

A.R.S. §13-603 (J)–The court shall round the term of community supervision . . . A term of community supervision shall only be given in increments of years or months. In calculating the term of community supervision, all fractions of the month may be increased or decreased to the nearest month, except for a class 5 or 6 felony which shall not be less than one month.