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MISDEMEANORS, FINES, FINANCIAL ASSESSMENTS, LENGTH OF PROBATION RANGES & JUVENILE OFFENDERS

PENALTIES FOR MISDEMEANORS

§13-707, §13-802, §13-803

	JAIL	FINES — BEFORE SURCHARGES	
CLASS 1	Up to 6 months jail	Up to $2,500 (persons)	Up to $20,000 (enterprises)
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 — BEFORE SURCHARGES

§13-801, §13-803

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

SURCHARGES AND PENALTY ASSESSMENTS

	§12-116.01 (CJEF)	§12-116.02 (MSEF)	§12-116 (TIME PAYMENT)
AMOUNT ADDED TO ALL FINES, PENALTIES AND FORFEITURES	47%	13%	$20

AFTER ADDING THE PENALTY ASSESSMENTS TO ANY FINE, THE JUDGE MAY WAIVE ALL OR PART OF THE TOTAL ASSESSMENT (FINES PLUS SURCHARGES), EXCLUDING THE TIME PAYMENT FEE, IF IT WOULD CAUSE A HARDSHIP ON THE CONVICTED PERSON OR CONVICTED PERSON'S 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 SURCHARGES REPRESENT OF THE TOTAL AMOUNT DUE. WHEN THE TOTAL ASSESSMENT INCLUDES A MANDATORY FINE, THE JUDGE MAY WAIVE ALL OR PART OF THE SURCHARGES FOR THAT MANDATORY FINE. HOWEVER, MANDATORY FINES MAY NOT BE REDUCED TO AN AMOUNT LESS THAN THE MANDATORY MINIMUM AND BOTH THE CJEF AND MSEF SURCHARGES MUST BE REDUCED PROPORTIONATELY; ONE CANNOT BE WAIVED OR REDUCED WITHOUT THE OTHER. THE TIME PAYMENT FEE MAY **NOT** BE WAIVED OR REDUCED.

PROBATION RANGES

§13-902

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** PURSUANT TO TITLE 13, CHAPTERS 14 AND 35.1, STALKING OFFENSE PURSUANT TO A.R.S. §13-2923 OR CHILD AND VULNERABLE ADULT ABUSE OFFENSE PURSUANT TO A.R.S. §13-3623 OR AN ATTEMPT TO COMMIT ANY OF THESE OFFENSES 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 OF A DUI OFFENSE PURSUANT TO A.R.S. §28-1381 OR EXTREME DUI OFFENSE PURSUANT TO A.R.S. §28-1382, THE TERM OF PROBATION IS UP TO 5 YEARS AND FOR A CONVICTION OF AN AGGRAVATED DUI OFFENSE PURSUANT TO A.R.S. §28-1383, UP TO 10 YEARS.

JUVENILE OFFENDERS

A JUVENILE CONVICTED IN ADULT COURT AS A CHRONIC FELONY OFFENDER PURSUANT TO A.R.S. §13-501 AND PLACED ON PROBATION MUST BE SENTENCED TO A TERM OF INCARCERATION IN THE COUNTY JAIL. THE TERM OF INCARCERATION CANNOT EXCEED ONE YEAR. A.R.S. §13-608

(eff. August 21, 1998)

DRUG OFFENSE SENTENCING RANGES

DRUG THRESHOLD AMOUNTS - (§ 13-3401)

DRUG	THRESHOLD AMOUNT
Amphetamine & Methamphetamine	9 grams
Cocaine	9 grams (powder form) -- 750 milligrams (rock form)
Heroin	1 gram
LSD	1/2 milliliter (liquid form) -- 50 dosage units (blotter form)
Marijuana	2 pounds
PCP	4 grams or 50 milliliters

For any combination consisting solely of the drugs listed above, the threshold is an amount equal to or in excess of the threshold amount, as determined by the application of A.R.S. §13-3420.

For any drug not listed above or any combination of drugs not listed above, the threshold is an amount with a value of at least $1,000.

DRUG OFFENSES - MULTIPLE OFFENSES
Below Statutory Threshold Amounts (§13-3419)

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)†

DRUG OFFENSES - MULTIPLE OFFENSES
Above Statutory Threshold Amounts (§13-3419)

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)†	0.75	2.5	4 (5)†

Probation eligible *For **non-multiple** drug offense sentencing ranges, refer to the general crimes sentencing ranges.*

† Approximate 25% increase: 2 or more substantial aggravating factors. A.R.S. §13-3419 (B).
** Approximate 25% reduction: 2 or more substantial mitigating factors. A.R.S. §13-3419 (C).*

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

PERSONAL POSSESSION & USE OF DRUGS (§13-901.01)

A person convicted of a first or second offense for the personal possession or use of a controlled substance as defined in A.R.S. §36-2501 must be placed on probation. This mandatory probation provision does not apply to persons convicted of a violent offense defined in A.R.S. §41-1604.15 (B).

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.

A person convicted of a violent crime as defined in A.R.S. §13-604.04 committed while the person is under the influence of marijuana, a dangerous drug or a narcotic drug is not eligible for release or probation until the entire sentence has been served.

DANGEROUS CRIMES AGAINST CHILDREN SENTENCING RANGES

CATEGORY	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, involving or using minors in drug offenses, or attempted first degree murder. This category addresses offenses involving a victim who is 12, 13, or 14 years of age. A.R.S. §13-604.01 (C).*

[2] *Aggravated assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, child abuse or kidnapping. A.R.S. §13-604.01 (D).*

[3] *Sexual abuse. A.R.S. §13-604.01 (E).*

[4] *Preparatory offenses. A.R.S. §13-604.01 (I).*

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 conviction of child molestation or sexual abuse may be served concurrently with other sentences if the offense involved only one victim. The sentence imposed for any other dangerous crime against children in the first or second degree shall be consecutive to any other sentence imposed at any time, including child molestation and sexual abuse of the same victim. A.R.S. §13-604.01 (K).

A person who is at least eighteen years of age who is convicted of a dangerous crime against children in the first degree involving sexual assault or sexual conduct with a minor, and the victim is twelve years of age or younger, shall be sentenced to life imprisonment and is not eligible for suspension, probation, pardon or release from confinement on any basis until the person has served thirty-five years. This provision does not apply to masturbatory contact. A.R.S. §13-604.01 (A).

A person convicted of a dangerous crime against children in the first degree involving second degree murder, sexual assault, sexual conduct with a minor or attempted first degree murder, and the victim is under twelve years of age, may be sentenced to life imprisonment and is not eligible for suspension, probation, pardon or release from confinement on any basis until the person has served thirty-five years. If a life sentence is not imposed, the defendant shall be sentenced to a presumptive term of twenty years. A.R.S. §13-604.01 (B).

FIRST AND SECOND 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 YEARS OF AGE OR OLDER AND 35 CALENDAR YEARS IF THE VICTIM WAS UNDER 15 YEARS OF AGE. A.R.S. §13-703.

2ND DEGREE MURDER: EXCEPT AS PROVIDED IN A.R.S. §13-604 (S) OR A.R.S. §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 A.R.S. §13-604 (S) OR A.R.S. §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 PERSON SHALL BE IMPRISONED FOR 20 CALENDAR YEARS WITH A POSSIBLE INCREASE OR DECREASE OF 5 YEARS FOR AGGRAVATING OR MITIGATING CIRCUMSTANCES. A.R.S. §13-710.

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. **

** If the court sentences a person to serve a consecutive term of probation immediately after the person serves a term of imprisonment, the court may waive community supervision and order that the person begin serving the term of probation upon release from confinement. The court must sentence the person to a term of probation equal to or greater than the term of community supervision that would have been imposed. The court may retroactively waive the term of community supervision or that part remaining to be served if the community supervision was imposed prior to 7/21/97. A.R.S. §13-603 (K).*