

CRIMINAL CODE 1994

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

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

PENALTIES FOR MISDEMEANORS

	JAIL	FINES	
CLASS 1	Up to 6 months jail	Up to \$2500 (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

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%	11%	\$12.00

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, 3 YEARS; CLASS 1 MISDEMEANOR, 3 YEARS; CLASS 2 MISDEMEANOR, 2 YEARS; AND CLASS 3 MISDEMEANOR, 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 15 CALENDAR YEARS WITH A POSSIBLE INCREASE OR DECREASE OF 5 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 DISCHARGE, USE OR THREATENING 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.

MULTIPLE DRUG OFFENSES SENTENCING RANGES

DRUG OFFENSES - MULTIPLE OFFENSES - Below Statutory Threshold Amounts

CLASS	2 OFFENSES*			3 OR MORE 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	2 OFFENSES			3 OR MORE 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 must serve about 85% of any sentence before eligible for release unless the sentence is commuted.

DANGEROUS CRIMES AGAINST CHILDREN SENTENCING RANGES

CLASS	FIRST			ONE PREDICATE PRIOR			TWO PREDICATE PRIORS		
	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		N/A			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: Unless commuted, must serve about 85% of the sentence before eligible for release.

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 and convictions for sexual assault.

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

CLASS	2 OFFENSES			3 OR MORE 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	2 OFFENSES		3 OR MORE 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 must serve about 85% of any sentence before eligible for release unless the sentence is commuted.

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	(0.43) 0.57	0.71	1.43 (1.79)	(0.64) 0.86	1.32	2.64 (3.32)	(1.5) 2	2.25	4 (5)
3	(0.285) 0.36	0.5	1 (1.25)	(0.5) 0.64	0.93	1.86 (2.32)	(1.07) 1.43	1.61	2.86 (3.57)
4	(0.14) 0.21	0.36	0.43 (0.53)	(0.32) 0.43	0.64	0.86 (1.07)	(0.86) 1.14	1.43	1.71 (2.14)
5	(0.07) 0.11	0.21	0.285 (0.36)	(0.14) 0.21	0.32	0.43 (0.53)	(0.43) 0.57	0.71	0.86 (1.07)
6	(0.05) 0.07	0.14	0.21 (0.285)	(0.11) 0.14	0.25	0.32 (0.39)	(0.32) 0.43	0.53	0.64 (0.82)

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

CLASS	2 OFFENSES			3 OR MORE OFFENSES		
	MIN	P	MAX	MIN	P	MAX
2	(0.43) 0.57	0.71	1.43 (1.79)	(0.64) 0.86	1.32	2.64 (3.32)
3	(0.285) 0.36	0.5	1 (1.25)	(0.5) 0.64	0.93	1.86 (2.32)
4	(0.14) 0.21	0.36	0.43 (0.53)	(0.32) 0.43	0.64	0.86 (1.07)
5	(0.07) 0.11	0.21	0.29 (0.36)	(0.14) 0.21	0.32	0.43 (0.53)
6	(0.05) 0.07	0.14	0.285 (0.285)	(0.11) 0.14	0.25	0.32 (0.39)

DANGEROUS OFFENSES

CLASS	FIRST OFFENSE			ONE HISTORICAL DANGEROUS PRIOR			TWO HISTORICAL DANGEROUS PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	1	1.5	3	2	2.25	4	3	4	5
3	0.71	1.07	2.14	1.43	1.61	2.86	2.14	2.86	3.57
4	0.57	0.86	1.14	1.14	1.43	1.71	1.71	2	2.29
5	0.289	0.43	0.57	0.57	0.71	0.86	0.86	1	1.14
6	0.21	0.32	0.43	0.43	0.53	0.64	0.64	0.75	0.86

DANGEROUS OFFENSES - MULTIPLE OFFENSES (§13-702.02)

CLASS	2 OFFENSES		3 OR MORE OFFENSES	
	MIN/P	MAX	MIN/P	MAX
2	1.5	3 (3.75)	2.25	4 (5)
3	1.07	2.14 (2.67)	1.61	2.86 (3.57)
4	0.86	1.14 (1.43)	1.43	1.71 (2.14)
5	0.43	0.57 (0.71)	0.71	0.86 (1.07)
6	0.32	0.43 (0.53)	0.53	0.64 (0.82)

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(1). Therefore, a seven year sentence would require the court to impose a community supervision term of one year to begin upon completion of the prison sentence.

NOTE: Multiply any number less than one by 12 to calculate the total months of community supervision. Any number of one or more is the total years of community supervision. Violation of community supervision could result in serving that time in prison.

1978 CRIMINAL CODE SENTENCING CHARTS

For Offenses Committed Prior To January 1, 1994

NON-DANGEROUS OFFENSES

CLASS	FIRST OFFENSE			ONE PRIOR			TWO PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	5.25	7	14	7**	10.5	21	14**	15.75	28
3	3.75	5	10	5**	7.5	15	10**	11.25	20
4	2	4	5	4*	6	8	8**	10	12
5	1	2	2.5	2*	3	4	4**	5	6
6	0.75	1.5	1.87	1.5*	2.25	3	3**	3.75	4.5

 Probation eligible

DANGEROUS OFFENSES

CLASS	FIRST			SECOND			THIRD		
	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

* Not eligible for suspension, commutation of sentence, probation, pardon or parole or release on any other basis until **one-half** of the sentence is served.

** Not eligible for suspension, commutation of sentence, probation, pardon or parole or release on any other basis until **two-thirds** of the sentence is served.

DANGEROUS CRIMES AGAINST CHILDREN

§13-604.01	FIRST OFFENSE			ONE PREDICATE OFFENSE			TWO PREDICATE OFFENSES		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
CATEGORY A ¹	15	20	25	25	30	35		LIFE	
CATEGORY B ²	12	17	22	23	28	33		LIFE	
CATEGORY C ³	5	10	15	10	15	20		LIFE	
CATEGORY D ⁴	5	10	15						

 Probation eligible

¹ First degree involving 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 First degree involving aggravated assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, child abuse or kidnapping.

³ First degree involving sexual abuse.

⁴ Second degree.

FIRST DEGREE: Not eligible for suspension, commutation of sentence, probation, pardon, parole, work furlough or release on any other basis until the sentence is served. The sentence is consecutive to any other sentence imposed on the person at any time.

SECOND DEGREE: Not eligible for release from confinement on any basis until not less than one-half the sentence is served. The sentence is consecutive to any other sentence imposed on the person at any time.