

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ADOPTION OF VIOLENT OFFENSE)	Administrative Order
LIST AND AMENDMENT TO THE)	No. 2020 - <u>29</u>
PUBLIC SAFETY ASSESSMENT)	(Affecting Administrative
TOOL)	Order No. 2015-38)
)	

Arizona Code of Judicial Administration (ACJA) § 5-201: Evidence Based Pretrial Services, was approved by the Arizona Judicial Council on December 12, 2013 and adopted by Administrative Order No. 2014-12 on January 10, 2014. ACJA § 5-201(B) provides the scope, requirements, and procedures for Arizona courts to establish and operate pretrial services consistent with evidence-based practices. ACJA § 5-201 (E)(1) requires courts operating pretrial services to use a pretrial risk assessment tool approved by the Arizona Judicial Council.

After a successful pilot project in five Arizona courts, the Public Safety Assessment (PSA), a validated pretrial risk assessment tool developed by the Laura and John Arnold Foundation (LJAF), was approved by the Arizona Judicial Council as the pretrial risk assessment tool for Arizona courts, and adopted by Administrative Order No. 2015-38. During the subsequent statewide implementation of the PSA, local stakeholders in each county were provided an opportunity to review and provide comment on an Arizona Violent Offense List, a component of the PSA which identifies certain crimes in Arizona Revised Statutes which meet the definition of a violent offense specifically for use in scoring the PSA risk assessment questions. The resulting Arizona Violent Offense List was subsequently approved by the LJAF and operationalized in Arizona for scoring the PSA; however, it was never formally adopted by this court as a component of the pretrial risk assessment tool.

The Pima County Attorney's Office recently submitted a request for the Administrative Office of the Courts to include additional crimes on the Arizona Violent Offense List. After meeting with Pima County stakeholders and determining which of the requested additional crimes adhere to the LJAF definition of a violent offense, consensus was established that the crimes of "unlawful mutilation" and "depositing explosives" meet the LJAF definition of a violent offense and should be included on the Arizona Violent Offense List.

On December 12, 2019, the Arizona Judicial Council approved the Arizona Violent Offense List including the additional crimes of "unlawful mutilation" and "depositing explosives."

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Arizona Violent Offense List, including the additional crimes of “unlawful mutilation” and “depositing explosives” now be adopted for statewide use as a component of the (PSA) in compliance with ACJA § 5-201(E)(1).

IT IS FURTHER ORDERED that the PSA tool is amended to include the Arizona Violent Offense List as an incorporated Addendum. (See Exhibit A, attached and incorporated).

Dated this 29th day of January, 2020.

ROBERT BRUTINEL
Chief Justice

EXHIBIT A

Public Safety Assessment

Arizona Title 13 Criminal Code – Violent Offense List

(Updated January 2020)

This document identifies the State of Arizona Title 13 Criminal Code offenses that meet the definition of a violent offense for the purpose of administering the Public Safety Assessment. The PSA definition specifies that offenses are considered violent when a person causes or attempts to cause physical injury to another person. When examining the Arizona Title 13 Criminal Code offenses, consideration was given to those identified as “dangerous,” “serious,” and “violent or aggravated felony.” However, not all offenses considered “dangerous,” “serious,” and “violent or aggravated felony” meet the definition of violent per the PSA. As a result, the specific criminal offenses that meet the PSA definition of a violent offense have been identified and are listed below.

ARIZONA TITLE 13 CRIMINAL CODE – VIOLENT OFFENSES

Arizona Title 13 Criminal Code – Violent Offenses

Chapter 11 HOMICIDE

13-1102 Negligent homicide

13-1103 Manslaughter

13-1104 Second degree murder

13-1105 First degree murder

Chapter 12 ASSAULT AND RELATED OFFENSES

13-1203 Assault

13-1204 Aggravated assault

13-1206 Dangerous or deadly assault by prisoner or juvenile

13-1207 Prisoners who commit assault with intent to incite to riot or participate in riot

13-1208 Assault; vicious animals

13-1209 Drive by shooting

13-1210 Assaults on public safety employees or volunteers and state hospital employees

13-1212 Prisoner assault with bodily fluids

13-1214 Unlawful mutilation

Chapter 13 KIDNAPPING AND RELATED OFFENSES

13-1303 Unlawful imprisonment

13-1304 Kidnapping

13-1307 Sex trafficking

13-1308 Trafficking of persons for forced labor or services

Chapter 14 SEXUAL OFFENSES

13-1404 Sexual abuse

13-1405 Sexual conduct with a minor

13-1406 Sexual assault

13-1409 Unlawful sexual conduct; adult probation department employees; juvenile court employees

13-1410 Molestation of a child

13-1417 Continuous sexual abuse of a child

13-1418 Sexual misconduct; behavioral health professionals

Public Safety Assessment
Arizona Title 13 Criminal Code – Violent Offense List

(Updated January 2020)

13-1419	Unlawful sexual conduct; correctional facilities
13-1423	Violent sexual assault
Chapter 17	ARSON
13-1704	Arson of an occupied structure
13-1705	Arson of an occupied jail or prison facility
Chapter 19	ROBBERY
13-1902	Robbery
13-1903	Aggravated robbery
13-1904	Armed robbery
Chapter 23	ORGANIZED CRIME, FRAUD AND TERRORISM
13-2308.01	Terrorism
Chapter 25	ESCAPE AND RELATED OFFENSES
13-2504	Escape in the first degree
Chapter 29	OFFENSES AGAINST PUBLIC ORDER
13-2903	Riot
13-2912	Unlawful introduction of disease or parasite
13-2923	Stalking; classification
Chapter 31	WEAPONS AND EXPLOSIVES
13-3104	Depositing explosives
Chapter 32	PROSTITUTION
13-3206	Taking child for purpose of prostitution
13-3212	Child prostitution
Chapter 34	DRUG OFFENSES
13-3407.01	Manufacturing methamphetamine under circumstances that cause physical injury to a minor
Chapter 35.1	SEXUAL EXPLOITATION OF CHILDREN
13-3552	Commercial sexual exploitation of a minor
13-3553	Sexual exploitation of a minor
13-3554	Luring a minor for sexual exploitation
13-3560	Aggravated luring a minor for sexual exploitation
Chapter 36	FAMILY OFFENSES
13-3601.02	Aggravated domestic violence
13-3623	Child or vulnerable adult abuse; emotional abuse
Chapter 37	MISCELLANEOUS OFFENSES
13-3704	Adding poison or other harmful substance to food, drink or medicine