



# Arizona's Imprisonment Crisis:

PART 1

## **THE HIGH PRICE OF PRISON GROWTH**



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# Introduction

Public safety and criminal justice policy is at a crossroads in Arizona. Despite overwhelming evidence that states can safely reduce crime and incarceration through commonsense reforms, Arizona continues to be a national outlier with high imprisonment rates and rising corrections spending.

This is no small matter. Arizona's imprisonment crisis removes thousands of people from the economy and costs taxpayers more than \$1 billion each year — preventing the state from investing in other critical priorities like education, social services for families, and child safety. Despite this steep price, the system does not make Arizona safer. Simply put, the state's high imprisonment rate is hurting Arizona's economy, communities, and families.

This report, created using individual-level data on people admitted to Arizona prisons, will be released in three parts throughout the fall of 2018. This first part focuses on the causes of Arizona's prison population growth and the consequences for Arizona's economy. The second part reveals how Arizona's imprisonment crisis affects some communities more than others, and the third part examines the dire consequences for Arizona's women and families. Experts on corrections data cleaned and analyzed Arizona's prison data in accordance with national standards. See the methodology section for a description of our process and definitions.

## Why focus on prisons?

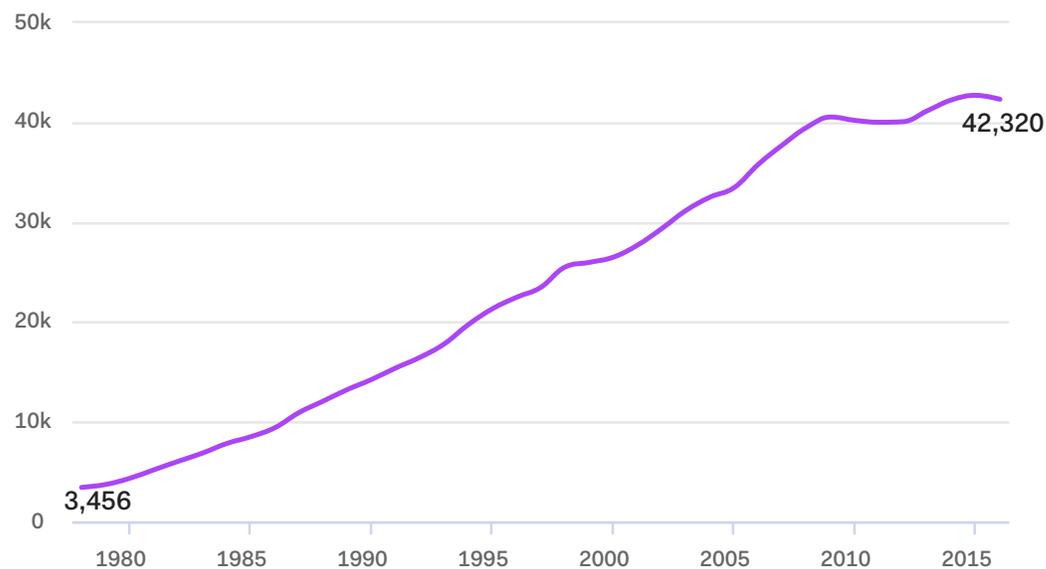
When someone is convicted of a felony in Arizona, a prison sentence is one of many possible responses. Other options include community-based treatment, drug courts, and probation. Of all these options, prison is the harshest, most expensive response, and often the least effective. This report examines the way that Arizona has increasingly used prison to punish people who have committed offenses better addressed in the community, and how people in Arizona spend more time in prison than ever before.

# The price of Arizona's prisons

In the last 40 years, prison populations across the nation have skyrocketed. But even compared to this disturbing national trend, Arizona has been an outlier, growing by a multiple of 12 during the four decades in which the national prison population quadrupled.<sup>1</sup>

## Arizona's prison population is more than 12 times larger today than it was 40 years ago.

Arizona Jurisdiction Prison Population, 1978-2016

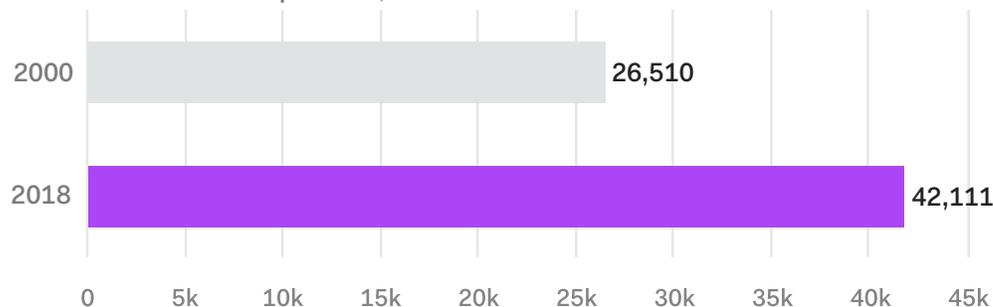


Source: Bureau of Justice Statistics, National Prisoners Statistics series

While Arizona's resident population has increased over this period, it has not kept pace with prison growth. Since 2000, the state population has grown by 33 percent while the prison population has grown by 60 percent — nearly twice as fast.<sup>2</sup> Crime has also declined over this period, both in total numbers and as a per capita rate.<sup>3</sup> Pages 7 and 8 will further explore why Arizona's growing prison population cannot be justified or explained by rising crime or demographic trends.

## Since 2000, Arizona's prison population has grown by more than 15,000 people — a 60 percent increase.

Arizona State Prison Population, 2000 vs. 2018



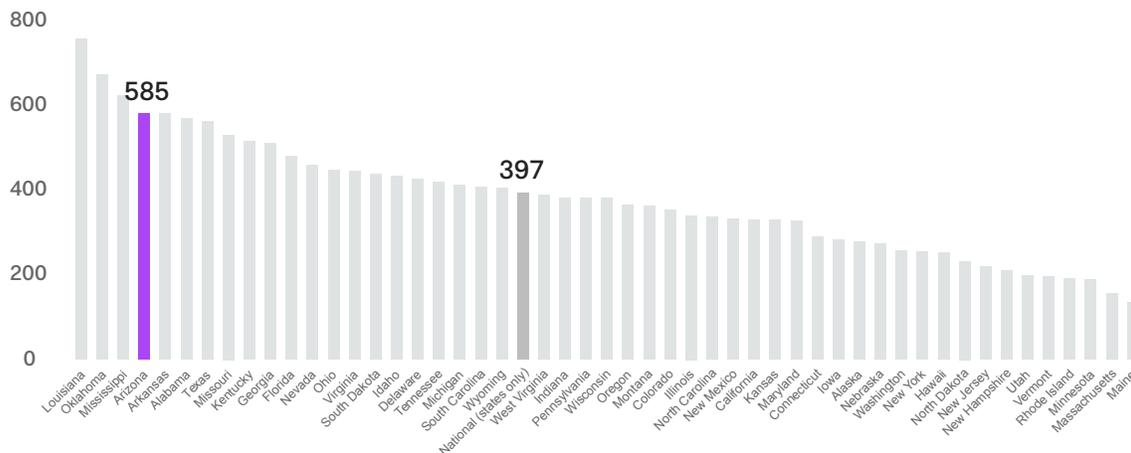
Sources: Bureau of Justice Statistics, National Prisoners Statistics series; Arizona Department of Corrections FY2018 Inmate Population Fact Sheet

Today, there are 42,000 people in prison in Arizona. There are almost as many people in prison as there are students at the University of Arizona. The size and growth of Arizona's prison population comes at extraordinary cost to families and local economies. As the number of people in prison increases, the number of people who are contributing to their families and their local economy shrinks. This puts particular strain on families that already have limited resources. A recent report found that the probability that a family is in poverty increases by 38 percent while a father is incarcerated.<sup>4</sup>

The imprisonment rate measures how many people are in state prison for every 100,000 state residents. With the fourth highest imprisonment rate in the country, Arizona trails only Louisiana, Oklahoma, and Mississippi.<sup>5</sup>

## Today, Arizona has the fourth highest imprisonment rate in the United States.

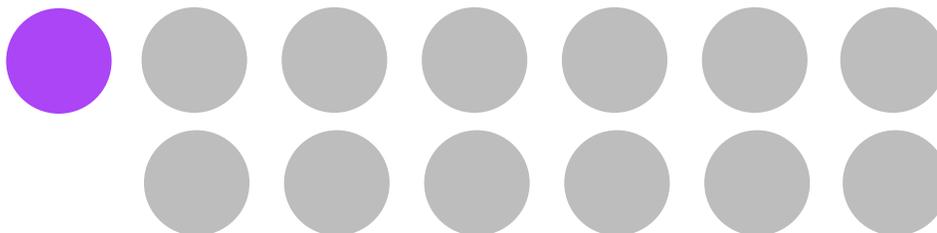
State Imprisonment Rates (Sentenced State Prisoners per 100,000 State Residents), 2016



Source: Bureau of Justice Statistics, Prisoners in 2016

As the number of people in prison grows dramatically, so too does the population of people with felony convictions beyond prison walls. According to research conducted in 2010, 1 in 13 Arizonans — or 357,000 people — has a current or prior felony conviction.<sup>6</sup> Each of these convictions limits people's ability to get jobs, help their families succeed, and become productive, tax-paying citizens. A recent study found that applicants with criminal records were 50 percent less likely to receive an interview request or job offer, compared to identical applicants with no criminal record.<sup>7</sup>

## 1 in 13 Arizonans has a current or prior felony conviction.



Source: Shannon et al

Felony convictions not only affect the individual — they depress the economy at large. National research found that felony convictions led to a near 1 percentage-point reduction in the overall employment rate, leading to as much as \$87 billion in lost annual GDP.<sup>8</sup>

As Arizona's prison population has grown, so has its corrections spending. After adjusting for inflation, state spending on the Department of Corrections — the agency which oversees the state's prison system — has increased by \$280 million since 2000. In fiscal year 2019, the Department's budget was over a billion dollars.<sup>9</sup>

## Prison population growth has come at extraordinary cost to Arizona taxpayers.

Arizona Department of Corrections Approved Budget, FY2000 vs. FY2019

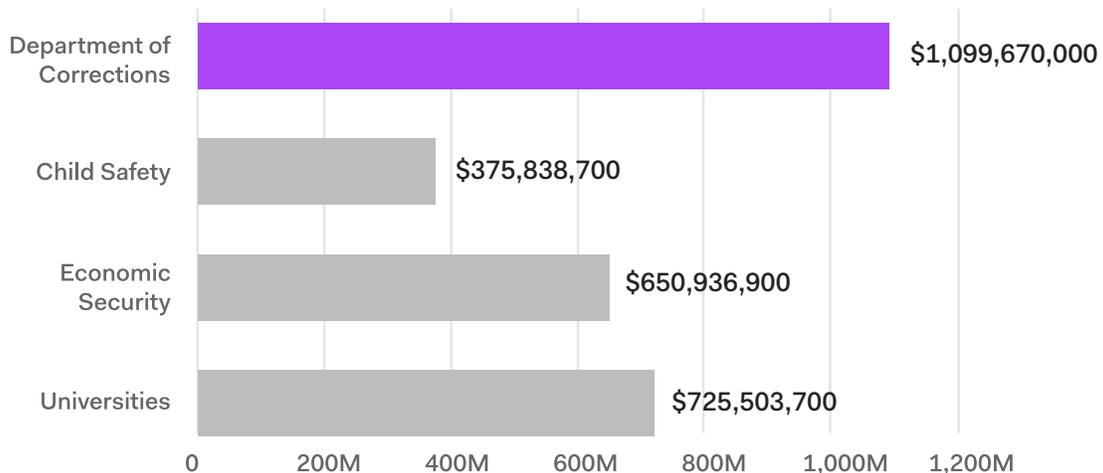


Source: Arizona Legislature, General Fund Annual Expenditures for Each Agency FY1979 - FY2019

This massive spending dwarfs other public safety budgets and prevents lawmakers from investing in critical state priorities such as education, public health, and economic development. In the most recent budget, policymakers appropriated more tax dollars to prisons than to universities, child safety, or economic security.<sup>10</sup>

## State spending on prisons in Arizona far exceeds spending on universities and other critical state priorities.

Arizona General Fund Expenditures, FY2019



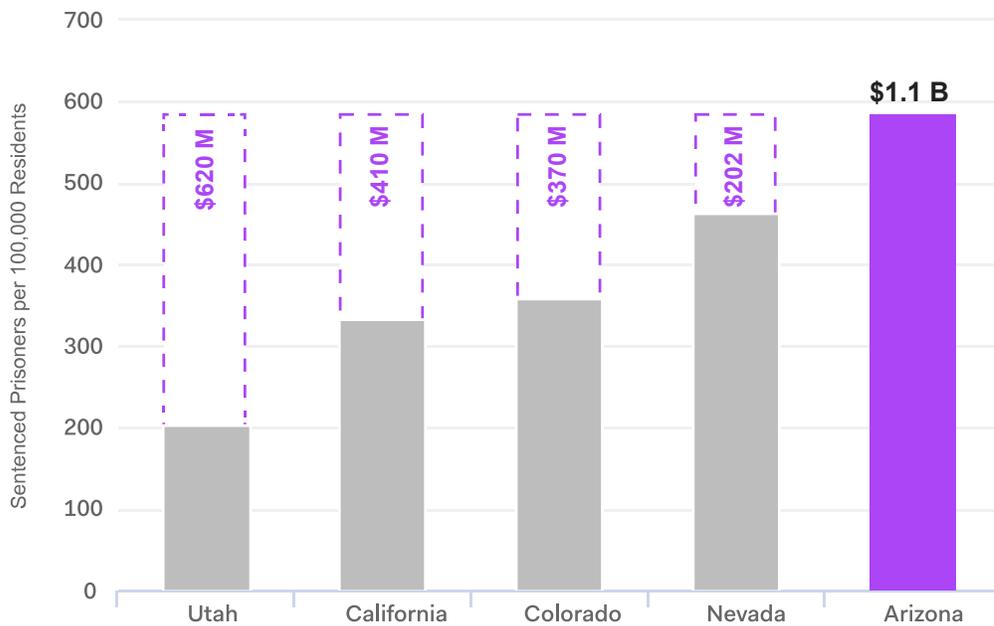
Source: Arizona Legislature, General Fund Annual Expenditures for Each Agency, FY1979-FY2019



Arizona taxpayers could save hundreds of millions of dollars by bringing the state's imprisonment rate in line with its neighbors who are getting more public safety at less cost. In fact, Arizona has a similar crime rate to most of its neighboring states but imprisons people at a much higher rate. For example, if Arizona's imprisonment rate matched Nevada's, it would save \$200 million a year. If its imprisonment rate matched Utah's, it would save more than \$600 million a year, or nearly the full cost of a 20 percent increase in teacher pay across the state.<sup>15</sup>

**Arizona could save hundreds of millions of dollars every year by reducing imprisonment to the level of neighboring states with similar crime rates.**

Arizona vs. Neighboring State Imprisonment Rates (Sentenced Prisoners per 100,000 Residents) and Potential Cost Savings, 2016



Sources: Bureau of Justice Statistics, Prisoners in 2016 and Arizona Department of Corrections FY2017 Operating Per Capita Cost Report

Arizona's imprisonment crisis comes at a high price — to those directly impacted by the system, as well as the economy as a whole. The next section will examine how Arizona reached this crisis point, and why the state is so out-of-step with the rest of the nation.

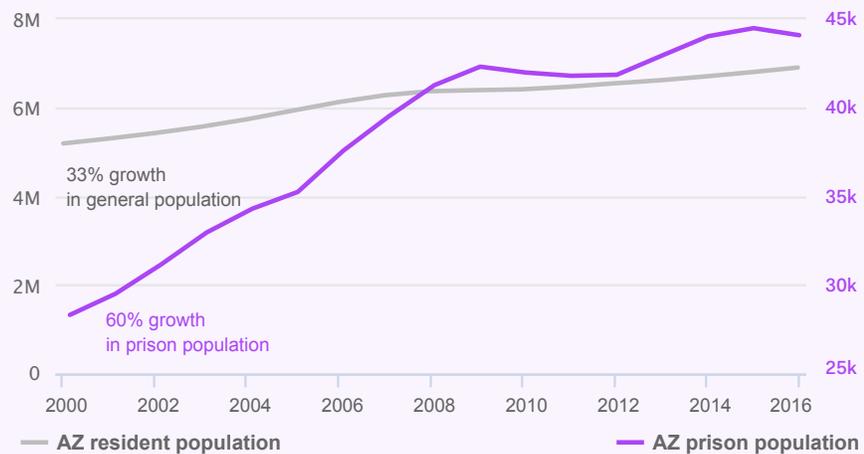
## Arizona's prison growth was not driven by rising crime or demographic trends.

Arizona's prison population has grown by more than 15,000 people since 2000. Many will ask whether this growth can be explained by an increase in Arizona's resident population or justified by rising crime rates. The answer to both of these questions is in the negative. The resident population has grown but at a much slower rate than the prison population. Further, prison population growth was not driven by an increase in crime, which has declined significantly in this period.

### Growth in Arizona's prison population since 2000 has outpaced growth in the resident population.

Since 2000, Arizona's resident population has grown by 33 percent, while Arizona's prison population has grown by nearly twice that — 60 percent.

Arizona Prison Population vs. General Population, 2000 - 2016

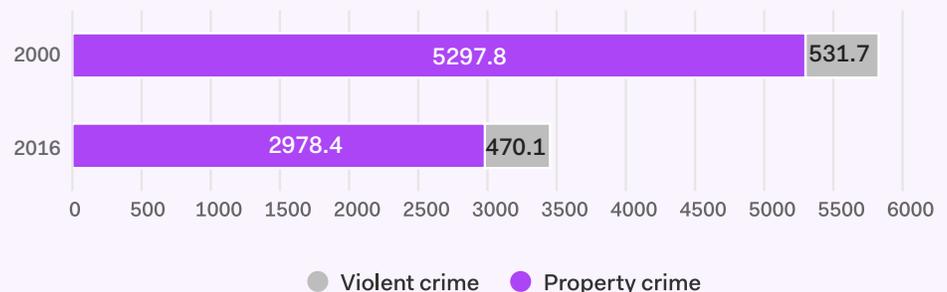


Source: United States Census Bureau, U.S. Census Bureau QuickFacts: Arizona series

### Arizona's prison population and imprisonment rate have grown during a period of declining crime.

Since 2000, the property crime rate in Arizona is down 44 percent and the violent crime rate is down 12 percent.

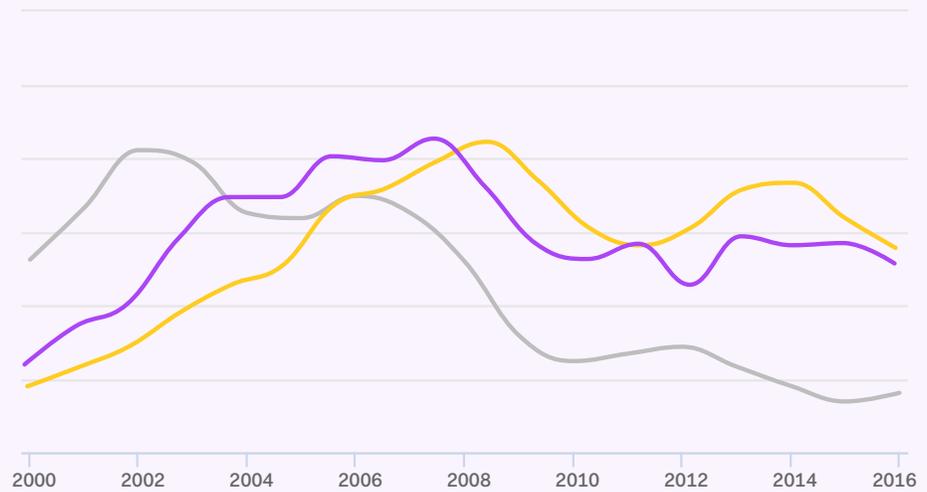
Arizona Reported Violent and Property Crime Rate per 100,000 Residents, 2000 vs. 2016



Source: Federal Bureau of Investigation, Uniform Crime Reporting Program

**Even as crime has declined, felony filings and admissions to prison are up.**

Overall, the number of reported crimes in Arizona dropped 20 percent between 2000 and 2016. However, during this same period, felony filings – or the number of felony charges prosecuted by county attorneys – increased by 26 percent, and the number of people admitted to prison increased 52 percent. If crime were driving prison growth, felony filings and prison admissions would move in the same direction as reported crimes, rather than diverging as they have in Arizona.



- Reported index crimes, 2000 - 2016
- Felony case filings, 2000 - 2016
- Prison admissions, 2000 - 2017

Source: Federal Bureau of Investigation, Uniform Crime Reporting Program; Arizona Judicial Branch Annual Reports; Arizona Judicial Branch Annual Reports<sup>16</sup>

# What is driving Arizona's high imprisonment rate?

In the last 18 years, Arizona's prison population has grown by 60 percent. This growth was not driven by crime, which declined during this period, or demographic growth, which increased but at a much slower rate.

To understand what did drive this growth, FWD.us conducted an analysis of individual-level data acquired from the Arizona Department of Corrections (ADC) covering over 30 years and nearly half a million records. Data was cleaned and coded for analysis by researchers and statisticians with extensive experience working with federal, state, and local corrections agencies across the country. To learn more about our researchers and the data and definitions used, see the methodology section.

This analysis found that growth was the result of policy and practitioner choices that both dramatically increased the number of people sent to prison for lower-level offenses and also extended prison terms far beyond the national average.

## The number of people sentenced to prison for non-violent and first-time felony convictions has grown dramatically.

Since 2000, Arizona has increasingly used prison sentences — instead of probation, drug treatment, or other alternatives — to sanction people who commit non-violent and first-time felony offenses. This change comes with a high cost. Research shows that even short periods of incarceration can cause irreversible harm — preventing people from maintaining employment and housing, fulfilling childcare responsibilities, or receiving treatment.<sup>17</sup>

For this analysis, FWD.us examined every crime related to an individual's current incarceration and determined the most serious one based on violence, dangerousness, felony class, category of crime, and sentence length. Using this approach ensures that people convicted of a violent crime are not categorized as non-violent and provides the most accurate composition of the prison population. See the methodology section for examples of how the classification works or to see how we defined violence in accordance with national standards.

### Seven in 10 prison admissions in Arizona are for a non-violent crime.

Arizona Prison Admissions, FY2017

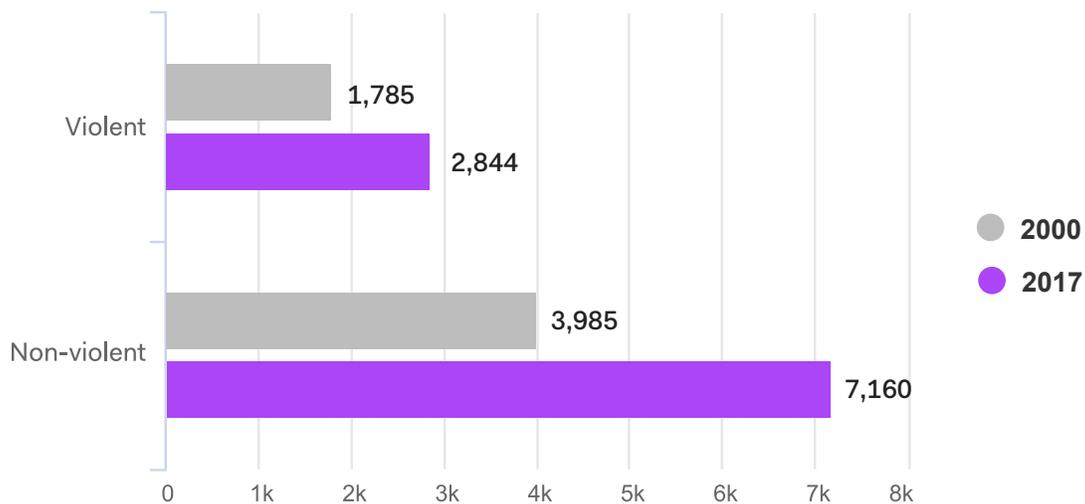


This analysis shows that 70 percent of people admitted to prison in 2017 were sentenced for a non-violent crime.

The number of people entering prison for non-violent crimes has grown substantially since 2000 — increasing by 80 percent. This constitutes an additional 3,000 people entering prison for non-violent crimes each year. Growth in the number of people entering prison for non-violent crimes has exceeded growth in the number of people entering prison for violent crimes.

**The number of people sentenced to prison for non-violent crimes in Arizona has grown by nearly 80 percent since 2000.**

Arizona New Prison Sentence Admissions, FY2000 vs. FY2017



Across the country, states have made an effort to reduce the number of people sentenced to prison for non-violent crimes through changes to sentencing laws and expansion of alternatives to incarceration.<sup>18</sup> Arizona's massive growth in this area defies the trends and has not made Arizona safer.

Overall, eight of the top 10 offenses for which people are admitted to prison are non-violent, including four drug- and alcohol-related crimes. The number of people admitted to prison for many of these non-violent crimes, including drug possession, drug distribution, and theft of means of transportation, has increased by more than 50 percent since 2000.

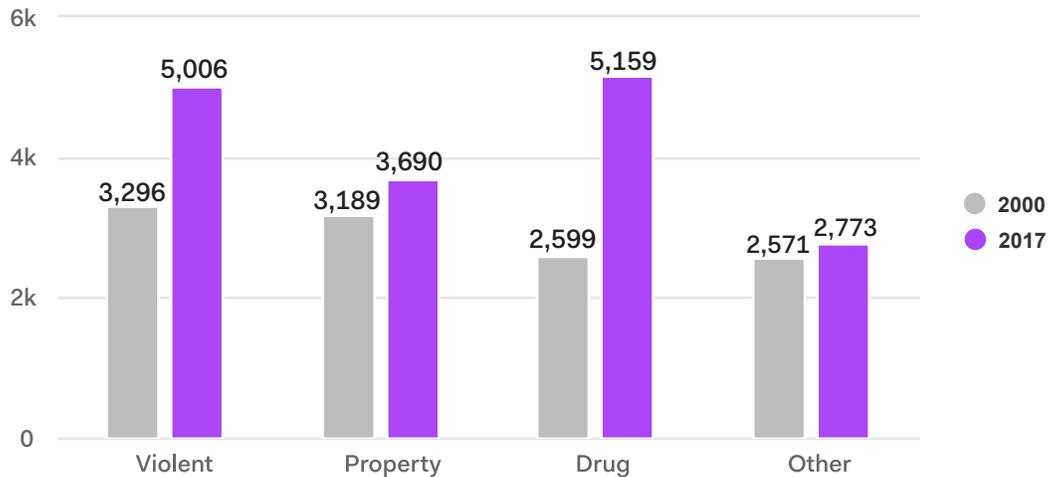
**Eight of the top 10 offenses for which people are sent to prison in Arizona are non-violent.**

Top 10 Most Serious Offenses for People Sentenced to Prison in Arizona	No. of admissions, FY2000	No. of admissions, FY2017	% change since FY2000
Drug possession	1,414	3,418	+142%
Aggravated assault	1,308	2,076	+59%
Drug distribution	814	1,349	+66%
DUI/DWI	1,863	1,285	-31%
Misconduct involving a weapon	192	558	+191%
Third degree burglary	426	540	+7%
Theft of means of transportation	247	521	+111%
Armed robbery	369	514	+39%
Second degree burglary	425	503	+18%
Drug production and manufacturing	371	392	+6%

The growth in non-violent admissions is primarily due to a doubling in the number of people sent to prison for drug-related offenses since 2000. More people are now sent to prison for drug crimes in Arizona than all violent offenses combined.

### Admissions to prison for drug offenses in Arizona have nearly doubled, by far the largest increase of any offense type.

Arizona Prison Admissions by Offense Type, FY2000 vs. FY2017



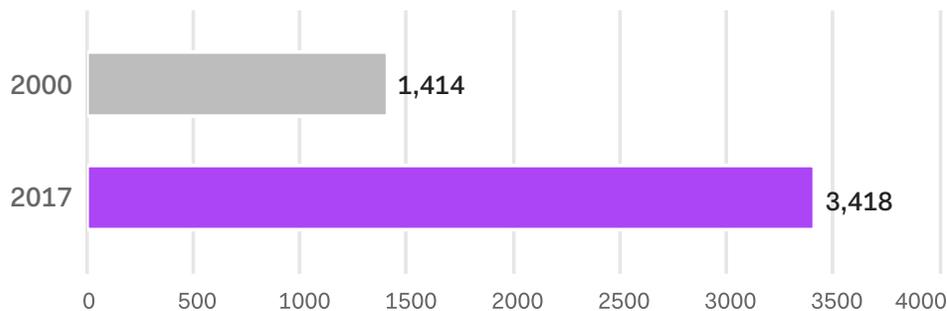
This growth was not due to changes in drug use. Over this same period, according to the Substance Abuse and Mental Health Services Administration's *National Survey on Drug Use and Health*, the rate of illicit drug use and dependency in Arizona remained steady.<sup>19</sup>

Arizona's reliance on prison for drug offenses runs contrary to the research about what works to treat addiction. Research shows that for many people convicted of drug offenses, prison makes them more likely to commit crimes in the future.<sup>20</sup> Seventy-eight percent of people currently in Arizona's prisons have been assessed with moderate or intensive substance abuse needs, but only three percent are receiving treatment at any given time.<sup>21</sup>

The number of people sentenced to prison for one of the least serious drug crimes — simple possession — has grown dramatically. In 2000, 1,414 people were admitted to prison for drug possession. By 2017, that number had more than doubled to 3,418 people.

### The number of people sentenced to prison for drug possession in Arizona has grown 142 percent since 2000.

Arizona New Prison Sentence Admissions for Drug Possession, FY2000 vs. FY2017

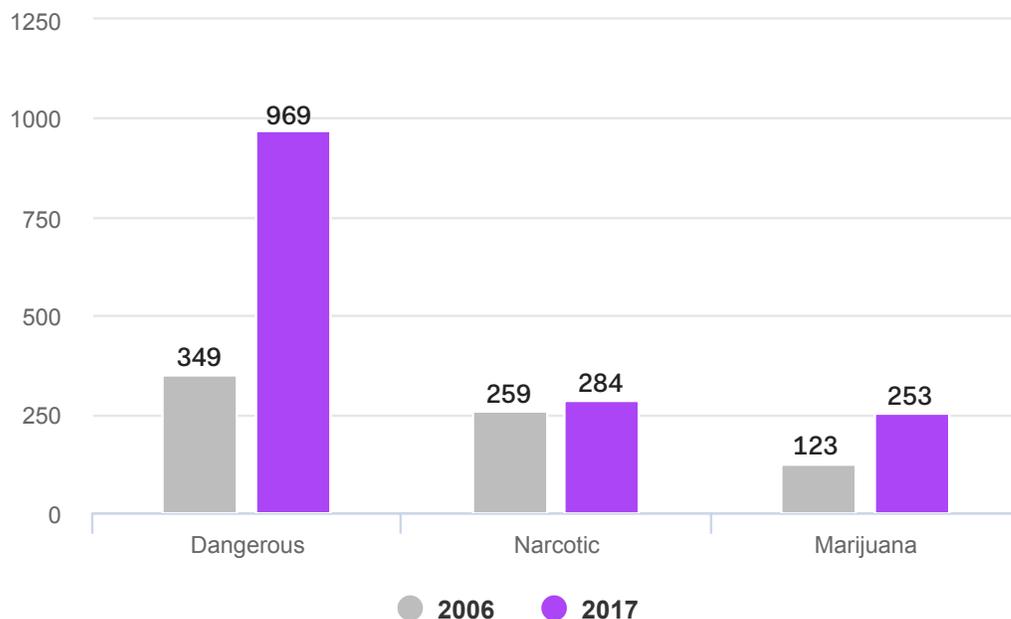


While Arizona increasingly sentences people to prison for drug possession, many other states across the country have adopted reforms that reduce the use of imprisonment. Policymakers in these states have increasingly recognized addiction as a health problem and have implemented policy that treats it accordingly. For example, in the last five years while Arizona sent 39 percent more people to prison for drug possession, Oklahoma, California, and Utah defelonized simple possession (making people with simple drug possession ineligible for prison) and reinvested savings in community treatment programs.<sup>22</sup>

Growth in the number of people sentenced to prison for drug possession is likely driven by a 2006 policy change — not changes in drug use. In that year, Arizona passed a ballot initiative (Proposition 301) that allowed judges to sentence people to prison for a first or second conviction for possession of “dangerous drugs,” an Arizona designation that includes methamphetamine. Previously judges could only sentence people who committed those offenses to probation and treatment.<sup>23</sup>

## Growth in number of people sentenced to prison for drug possession in Arizona is driven by policy changes, not drug use.

Arizona New Prison Sentence Admissions for Drug Possession by Drug Type, FY2006 vs. FY2017

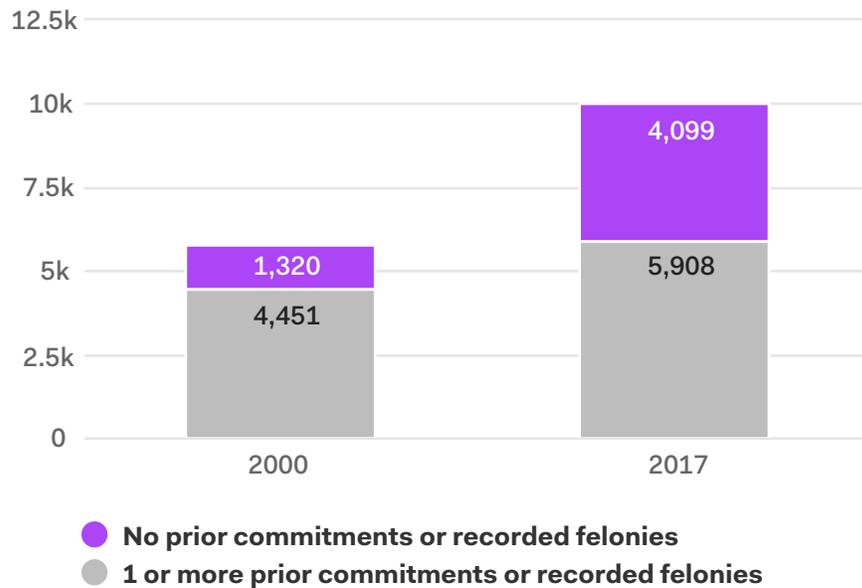


Since that change, the number of people sentenced to prison for the drug types included in the ballot measure has nearly tripled. In contrast, the number of people sentenced to prison for narcotic drugs, including heroin and other opioids, has barely grown.

Alongside growth in non-violent admissions, Arizona has also drastically increased the number of people sentenced to prison on their first felony conviction. In 2000 only 1,320 people went to prison in Arizona for their first felony conviction. (For more information on how these designations were made, please see the methodology section.) By 2017, this number had grown to over 4,000, or 41 percent of all new prison sentences.

## The number of people sent to prison on their first felony conviction in Arizona has tripled since 2000.

Arizona New Prison Sentence Admissions by Felony Conviction History, FY2000 vs. FY2017

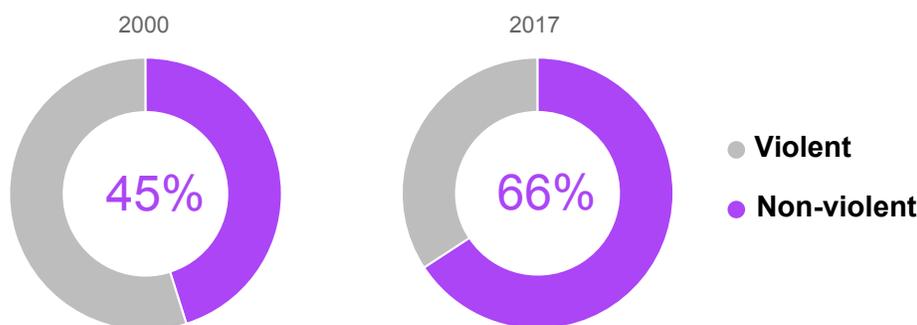


This increased reliance on prison may actually be harmful to public safety. Research has shown that people sent to prison on their first conviction are more likely to commit crime after they are released than if they were sentenced to an alternative in the community like pretrial diversion or probation.<sup>24</sup>

As the number of people admitted to prison for non-violent and first-time offenses has grown, so too has the number of people entering prison on a first-time, non-violent offense. In 2000, the majority (55 percent) of people sentenced to prison for their first felony were sentenced for violent crimes. But by 2017, two-thirds of people coming into prison for first time felonies were sentenced for non-violent crimes.

## Two-thirds of people admitted to prison on their first felony conviction in Arizona were sentenced for non-violent crimes.

Arizona New Prison Sentence Admissions for First Felony Conviction by Violent or Non-Violent, FY2000 vs. FY2017



This means that five times as many people were sentenced to prison for their first, non-violent felony conviction in 2017 than in 2000 (2,696 in 2017 compared to 596 in 2000).

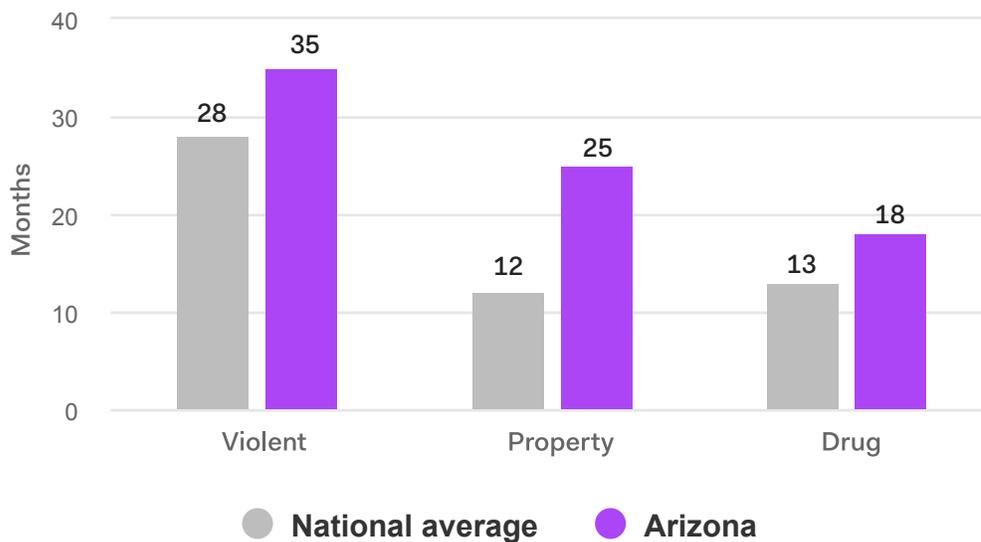
## Arizona's prison sentences are longer than in other states, despite research showing no benefit to longer prison terms.

Arizona is out of step in how long it holds people in prison. Despite research showing that long sentences are ineffective as a crime control measure, people sent to prison in Arizona spend long periods behind bars.<sup>25</sup> In fact, Arizona keeps people in prison anywhere from 25 to 100 percent longer than the national averages. These added months and years cost taxpayers millions of dollars without providing a public safety return.

Arizona's length of stay in prison is high compared to the national average for all categories of offenses. The largest disparity is among people sent to prison for property crimes, who serve an average of more than twice as long in Arizona as the rest of the country (25 months versus 12 months). People sentenced to prison for drug crimes serve almost 40 percent longer than the national average, and those sentenced for violent crimes serve 25 percent longer.

### People stay in prison in Arizona significantly longer than in other states, particularly for property crimes.

Median Length of Stay by Offense Type, Arizona New Court Commitments, FY2017 vs. National Average, 2012



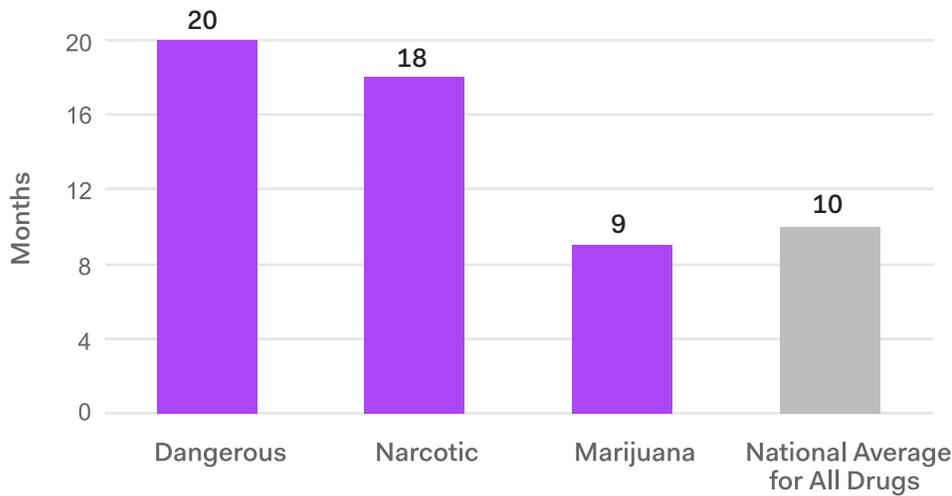
Source: Bureau of Justice Statistics, Prisoners in 2013

The fact that people sent to prison in Arizona for drug offenses serve 40 percent longer than the national average is even more startling when considering who is sent to prison for drug offenses. Whereas the vast majority of people (69 percent) sent to prison nationally for drug offenses are convicted of more serious crimes such as trafficking, distribution, and possession with intent to sell, the opposite is true in Arizona — two-thirds (67 percent) are sent to prison for simple possession.

When looking only at simple possession by drug type, it becomes clear that Arizona sends people to prison for twice as long as the national average for the most common types of drug possession.

**For certain types of drugs, people sentenced to prison for possession stay twice as long as the national average.**

Median Length of Stay for Drug Possession by Drug Type, Arizona New Court Commitments, FY2017 vs. National Average, 2012

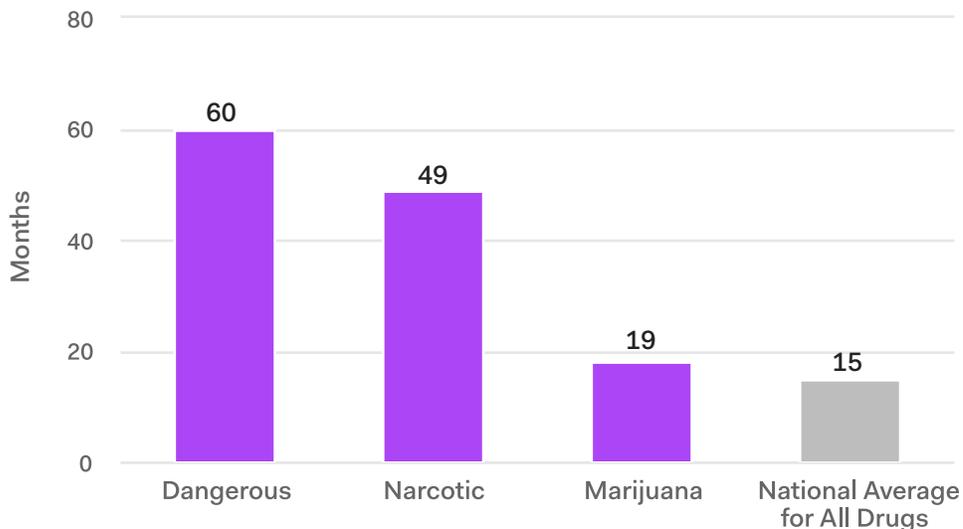


Source: Bureau of Justice Statistics, Prisoners in 2013

For drug distribution, Arizona's median length of stay for dangerous drugs is 60 months or five years, and 49 months or four years for narcotic drugs. The national average for this type of crime is only 15 months, one-fourth the length of imprisonment in Arizona.

**For drug distribution, this disconnect is even more significant.**

Median Length of Stay for Drug Distribution by Drug Type, Arizona New Court Commitments, FY2017 vs. National Average, 2012



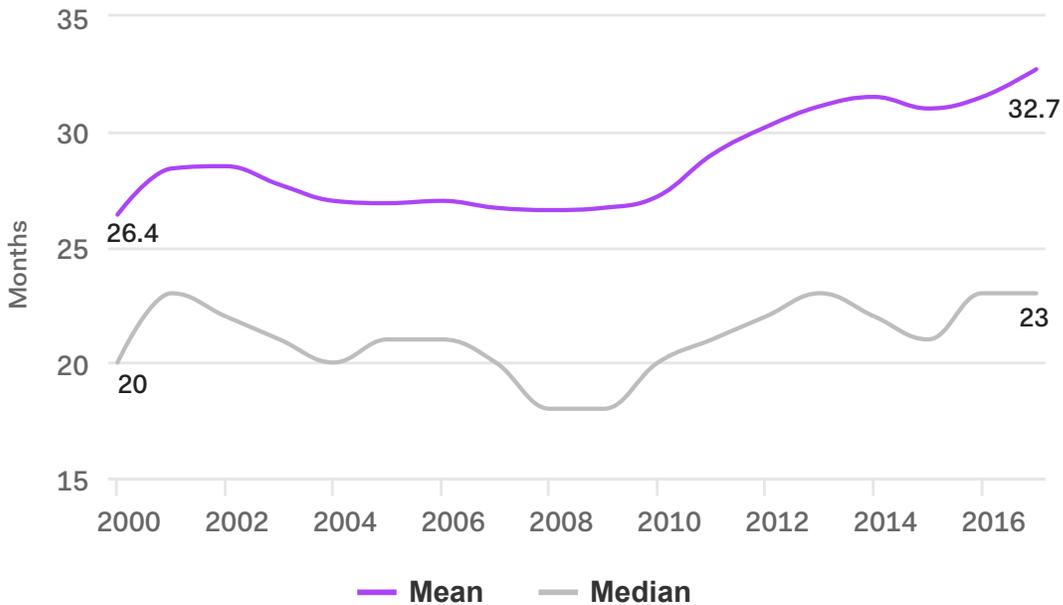
Source: Bureau of Justice Statistics, Prisoners in 2013

Research shows that locking people up for drug distribution does not reduce drug use or the availability of drugs in the community. Most people sentenced to prison for distribution are easily replaced in drug markets, and many are users themselves who sell only to support their own addiction.<sup>26</sup>

Since 2000, the average length of stay in prison has increased from 26 months to 33 months, over half a year. Multiplied by the more than 14,000 people sentenced to prison each year, this increase in time served costs over 7,500 prison beds or \$175 million per year.

**Even as people enter Arizona's prisons for less and less serious offenses, the length of time spent in prison continues to rise.**

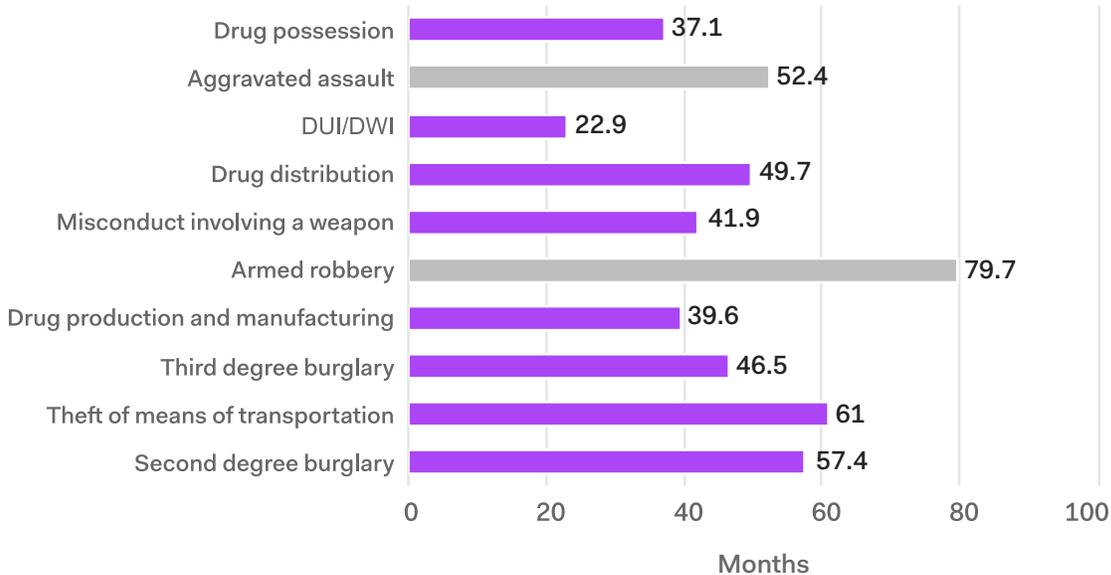
Mean and Median Length of Stay, Arizona New Court Commitments, FY2000 - FY2017



In some circumstances, average sentences for less serious offenses are as long or longer than sentences for more serious offenses. On average, people sentenced to serve time in prison for drug possession, for instance, received a sentence nearly as long (37.1 months) as those sentenced for drug production and manufacturing (39.6 months). People sentenced for theft of means of transportation (auto theft) received five year sentences on average, longer than those sentenced for second degree burglary (breaking into a house).

## For most common crimes, average prison sentences vary between three and five years.

Arizona New Prison Sentences by Most Serious Offense, Top 10 Offenses at Admission, FY2017 (Sentences for non-violent offenses are highlighted in purple.)



Part of what drives Arizona’s long and growing sentences is use of the state’s “repetitive offender” enhancement.<sup>27</sup> This enhancement allows courts to lengthen prison stays for those who have committed multiple or prior felony offenses. Not everyone who is eligible to be sentenced under the “repetitive offender” enhancement receives it as part of their sentence.<sup>28</sup> In some cases, the County Attorney chooses to not bring it forth during the trial process. In other cases, the enhancement is used as part of the plea bargaining process but not included in the final sentence.

The “repetitive offender” enhancement is used far more often for people convicted of non-violent offenses than for people convicted of violent offenses. And use of the enhancement for people convicted of non-violent offenses is growing. In 2000, 15 percent of those admitted to prison for a non-violent offense with prior felony convictions were sentenced as a “repetitive offender,” a total of 521 people. By 2017, that percentage had nearly doubled to 26 percent. That percentage increase, combined with overall growth in the number of people entering prison for non-violent offenses, means the number of people sentenced to prison for non-violent crimes under the “repetitive offender” enhancement grew to 1,162 in 2017.

## Use of the “repetitive offender” enhancement in Arizona is growing.

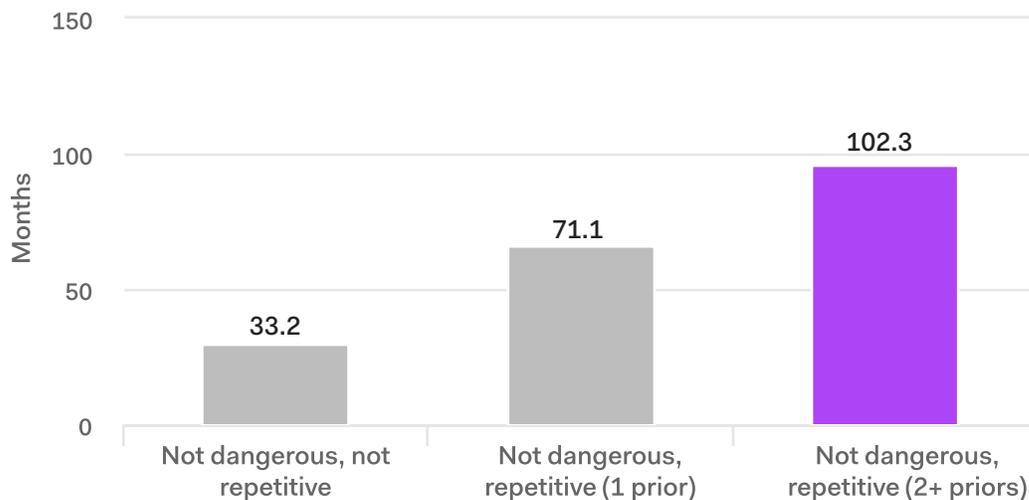
Arizona New Prison Sentences for Non-Violent Offenses, with Prior Convictions, FY2000 vs. FY2017



Growth in the number of people who are receiving the “repetitive offender” enhancement has significant consequences for the prison population. People who are sentenced for non-violent offenses with the “repetitive offender” enhancement serve sentences that are more than twice as long as those who do not. Even for those who do not ultimately receive the enhancement, use of it during plea negotiations likely drives up overall sentences.<sup>29</sup>

### **People convicted of non-violent crimes but sentenced with the “repetitive offender” enhancement, serve more than twice as long.**

Mean Sentence Length for Non-Violent Offenses, Arizona New Prison Sentences, FY2017

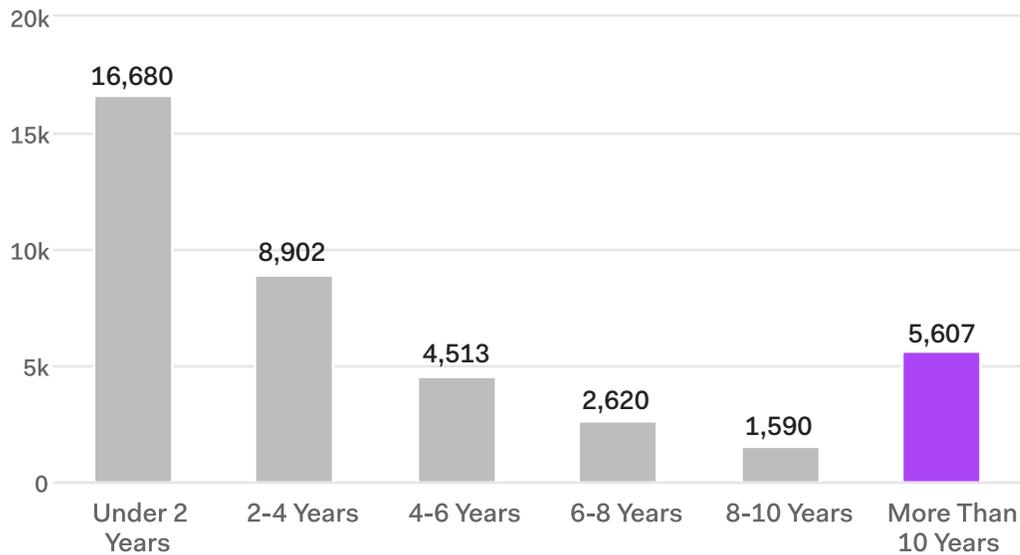


No look at sentence length or length of stay in Arizona prisons would be complete without a look at people who are currently incarcerated. With limited exceptions, Arizona requires people to serve at least 85 percent of their sentence behind bars — one of only three states in the country with such a rule.<sup>30</sup> As a result, there is a group of people in prison with very long sentences who are never measured in official counts of “length of stay in prison” because they are never released. This group is different in important ways from those who are cycling in and out of prison, but equally important to bringing down the imprisonment rate and the high cost of Arizona prisons.

The majority of people in prison today have less than four years until their expected release. However, this obscures the large number of people who have long sentences remaining. As of June 2017, there were 5,500 people in prison with more than 10 years remaining on their sentence. Almost 1,200 of these people are already over age 55. Research shows that older people are less likely to commit crimes when released from prison and cost the state significantly more in medical costs.<sup>31</sup>

**While many people cycle in and out of prison on shorter terms, more than 5,500 people in prison now have more than 10 years remaining until their expected release.**

Arizona Prison Population by Time Remaining, June 30, 2017



# Conclusion

Since 2000, Arizona has increasingly doubled-down on imprisonment, both by sending more people convicted of lower-level offenses to prison, and by keeping them in prison for far longer than the national average. This has continued even in the last decade as the majority of states — including most of Arizona's neighbors — have reduced their imprisonment rate alongside continued reductions in crime. Simply put, Arizona is falling behind the rest of the nation.

But this is only the first part of the story. Arizona's imprisonment crisis targets some communities more than others, and it comes at a particularly high cost to the state's women and families. The next two reports in this series will dive into these findings to illustrate the full cost of prisons to Arizona. Collectively, these reports aim to begin a thoughtful, data- and research-driven reform conversation in Arizona. Policy choices led Arizona to this crisis point, and smart policy choices can safely unwind this crisis as well.

# Methodology

Unless otherwise cited, the analyses in this report were conducted by FWD.us using individual-level data acquired from the Arizona Department of Corrections (ADC) covering over 30 years and nearly half a million records. Data was cleaned and coded for analysis by researchers and statisticians with extensive experience working with federal, state, and local corrections agencies across the country.

## Data Used

The analysis relied on two primary datasets:

- Records of all prison admissions from July 1985–June 2017 (or FY86-FY17) (N=464,641)
- A snapshot of the prison population on June 30, 2017 (N=49,848)

An ADC codebook was provided for these datasets. Whenever possible, the label or definition provided in the codebook was used in this report. A few exceptions where labels were changed or consolidated for clarity are noted below.

Unless otherwise specified, all analysis is based on fiscal years running from July 1–June 30.

## Cleaning and Data Definitions

Twenty cases were dropped from the admissions file because of key missing or incomprehensible information, including birth dates indicating that an individual was younger than 14 at admission and or missing/incorrectly coded movement types. This left 464,426 records for analysis.

These records were coded into four admission categories using the variables ADMIT\_MOVETYP and ADMIT\_REASON:

1. **New prison sentence**, comprising all admission movements labeled as “first commitment” or “recommitment” except for those with a reason code of “technical violation,” as well as admission movements labeled as “sentenced to prison as a condition of probation” for admission reason “new felony conviction.”
2. **Probation revocation**, comprising all admission movements labeled as “first commitment — probation revocation” or “recommitment — probation revocation” for all reason codes.
3. **Community supervision revocation**, comprising all admission movements labeled “absconder from community supervision,” “return from community supervision,” or “community supervision revocation” for all reason codes.
4. **Other**, comprising admission movements labeled as “temporary placement-community supervision violation,” “sentenced to prison as a condition of probation” for reasons other than new conviction, “return from escape,” “transfer from another institution,” “violation of Drug Transition Program supervision,” “released in error return,” and “return from deportation.”

All admissions in the “other” category were excluded from admission counts in this report because these were not considered to be new admissions to prison. According to this rule, 51,813 records were excluded or approximately 1,500 per year of data. The vast majority of these records (47,347) were for temporary placement for community supervision violations. These were excluded because they could be duplicative of community supervision revocations which were included in the counts, for instance if

someone was temporarily placed in DOC custody pending a revocation hearing and then later revoked. The median time spent in prison for this group was 3.5 months.

## Offense Hierarchy

Every record in the admissions cohort could have up to 10 offenses listed related to a current or prior admission. If there were multiple offenses associated with a single admission these offenses were compared and ranked using the following rules in order to define a most serious offense for each record.

If the admission lists a murder offense with an unexpired sentence, the murder offense was always counted as most serious and overrode any other selection rules. Otherwise, the most serious offense was identified based on the following rules:

- Any offense listed that had an expired sentence (the sentence ended before the prison admission date) was excluded for new prison sentence admissions and probation revocation admissions. Expired sentences were included for community supervision revocations and other irregular admissions where the governing offense may otherwise appear expired, given the possibility a sentence may have been extended.
- 'Violent offense' and 'dangerous offense' flags were generated for all offenses
  - The 'violent offense' flag indicates offenses committed against a person
  - The 'dangerous offense' flag indicates individuals sentenced as 'dangerous' under A.R.S. § 13-704
- Offenses were coded into "offense groupings" using National Crime Information Center (NCIC) offense codes and input from in-state stakeholders. For instance, all assault crimes were included in one group, all burglary crimes were included in one group, and so forth.
- The offense related to a person's current admission with the highest offense type using National Crime Information Center codes was initially selected as the most serious.
- If the admission had two or more offenses with the same offense grouping, the offense with the most flags (indicating dangerous or violent) was selected as the most serious offense. For example, an offense with two flags was selected as more serious than an offense with one flag.
- Because of the use of the "violent" flag, at this point any violent offense would have been selected above any non-violent offense.
- If the admission had two or more offenses with the same offense grouping and an equal number of flags, and the offenses were non-violent, the offense with the highest felony class was selected.
- If the admission had two or more offenses with the same offense grouping, an equal number of flags, and the same felony class, and the offenses were non-violent, the offense with the longest sentence was selected.

Using this offense hierarchy, any individual with a violent, unexpired crime related to their current admission would have that violent crime listed as their most serious offense.

For non-violent offenses, ranking is largely driven by felony class. For instance, an individual with a drug possession offense (class 4) and a drug paraphernalia crime (class 6) would have the drug possession offense listed as their most serious.

However, someone who had a drug possession offense (class 4) and an aggravated assault offense (class 5) would be listed under aggravated assault because of the use of the offense groupings and violent flags.

The same offense hierarchy was used in the snapshot population file, although each record contained up

to three offenses instead of up to 10.

In cases where an individual had an enhancement related to one offense but not all offenses on the individual's record, this enhancement was reported even if it was related to an offense other than the most serious offense. In particular, a flag was created to note when an individual had any conviction for a "repetitive offender" enhancement related to the current admission, whether or not that enhancement was on the individual's most serious crime.

## Definition of Violence

Arizona does not have an enumerated, statutory definition of crimes of violence. It does have a "dangerous offense" enhancement, but this enhancement is used irregularly, even among crimes that are commonly defined as violent, such as aggravated assault. Offenses were therefore coded as violent if they ever were associated with a "dangerous" enhancement, if they fit into one of the NCIC codes defined as "violent", or if partners in state identified them as violent crimes.

Crimes defined as violent include murder, kidnapping, sexual assault, assault, any sexual conduct with a minor, sex trafficking, robbery, endangerment, threatening or intimidating, discharge of weapons or explosives, arson, racketeering or assisting a criminal syndicate or street gang, extortion, first degree burglary, first degree escape, riot, terrorism, domestic violence, traffic offenses resulting in injury or death, and other related offenses.

## Criminal History

FELONY1, FELONY2, and FELONY3 are identified in the file codebook ("CODEBOOKAPAAC") as the "number of prior adult felony convictions." There is no indication of which variable (1, 2, or 3) represents the most recent data for each observation. In some cases, this felony history variable indicates the individual admitted has zero prior felony convictions, despite having prior admissions to ADC since 1985. To overcome these deficiencies, a measure was constructed combining prior ADC admissions, expired sentences related to an individual ADC number, and prior felonies reported in these variables.

An individual is counted as having no prior felony convictions if he or she has not been admitted to ADC custody previous to the current admission, has 0 reported in FELONY1, FELONY2, and FELONY3, and has no offenses listed on their current record that expired before the current admission. If a record was missing data in FELONY1, FELONY2, or FELONY3, that individual was counted as having a felony record. These prior felony records may not include felonies committed in other states.

## Sentence Length

The admissions file did not include full sentence length related to an individual's prison admission. It did include sentence length related to each offense on that admission record and an indicator of whether sentences were served consecutively or concurrently. Full sentence length was calculated for each record using the following rules:

- For admissions with only one current offense, the full sentence is equal to the sentence for that offense.
- For admissions with multiple current offenses to be served concurrently, the full sentence is equal to the longest sentence related to any offense on their current record.
- For admissions with two offenses, to be served consecutively, the full sentence is equal to the

- sum of the two offense-related sentences.
- For records with more than two consecutive sentences, sentence length was excluded from summary statistics.

Using these assumptions, full sentence length was calculated for approximately 458,000 out of 464,000 records. Leaving out sentences with more than two sentences to be served consecutively (approximately 6,000 records) makes these estimates slightly downwardly biased, but this was determined to be the most conservative approach.

Life and death sentences were included in summary statistics with values of 40 and 50 years respectively.

## Researchers

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This is no small matter. Arizona's imprisonment crisis removes thousands of people from the economy and costs taxpayers more than \$1 billion each year — preventing the state from investing in other critical priorities like education, social services for families, and child safety. Despite this steep price, the system does not make Arizona safer. Simply put, the state's high imprisonment rate is hurting Arizona's economy, communities, and families.

@ p. 1

*Arizona's Crime Rates are at the lowest since 1960 for many UCR categories:*

Area	Year	Population <sup>2</sup>	Violent crime <sup>3</sup>		Murder and nonnegligent manslaughter	Rape (revised definition) <sup>4</sup>	Robbery		Aggravated assault		Property crime		Burglary	Larceny-theft		Motor vehicle theft				
			Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000	Rate per 100,000			
Arizona	2017	7,048,876	35,647	505.7	422	6.0	3,622	51.4	7,440	105.5	24,163	342.8	204,999	2,908.3	37,722	535.1	148,251	2,103.2	19,026	269.9
	2018	7,171,646	34,058	474.9	369	5.1	3,638	50.7	6,523	91.0	23,528	328.1	191,974	2,676.8	31,532	439.7	141,303	1,970.3	19,139	266.9
	Percent change		-4.5	-6.1	-12.6	-14.1	+0.4	-1.3	-12.3	-13.8	-2.6	-4.3	-6.4	-8.0	-16.4	-17.8	-4.7	-6.3	+0.6	-1.1

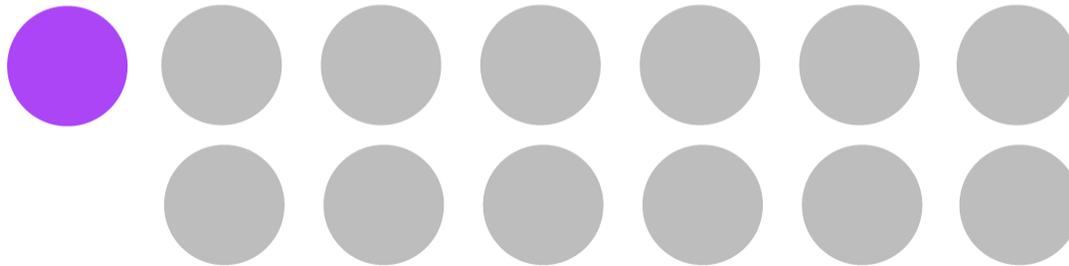
**Arizona Population and Rate of Crime per 100,000 People 1960 - 2018**

Year	Population	Index	Violent	Property	Murder	Forcible Rape	Robbery	Aggravated assault	Burglary	Larceny-Theft	Vehicle Theft
1960	1,302,161	3,013.7	207.7	2,806.0	6.0	16.1	54.2	131.4	685.5	1,782.2	338.4

Notes: Total Index is Violent Crime + Property Crime Rate/100,000. For 2018, overall crime index is 3151.7 from 2017 – 2018, crime rate in every UCR category fell.

As the number of people in prison grows dramatically, so too does the population of people with felony convictions beyond prison walls. According to research conducted in 2010, 1 in 13 Arizonans — or 357,000 people — has a current or prior felony conviction.<sup>6</sup> Each of these convictions limits people's ability to get jobs, help their families succeed, and become productive, tax-paying citizens. A recent study found that applicants with criminal records were 50 percent less likely to receive an interview request or job offer, compared to identical applicants with no criminal record.<sup>7</sup>

**1 in 13 Arizonans has a current or prior felony conviction.**



Source: Shannon et al

@ p. 3

*Neither this reference nor the link at footnote 6 permits a review to determine whether this makes any distinction between a felony conviction from an Arizona Court or from another state.*

While Arizona's resident population has increased over this period, it has not kept pace with prison growth. Since 2000, the state population has grown by 33 percent while the prison population has grown by 60 percent — nearly twice as fast.<sup>2</sup> Crime has also declined over this period, both in total numbers and as a per capita rate.<sup>3</sup> Pages 7 and 8 will further explore why Arizona's growing prison population cannot be justified or explained by rising crime or demographic trends.

@ p. 2

*Note: no reference or acknowledgment of studies of prisoners in Arizona conducted by former DOC Statistician Dr. Fischer. Reports are available at: <http://azsentencing.org/prisoner-reports>*

Arizona taxpayers could save hundreds of millions of dollars by bringing the state's imprisonment rate in line with its neighbors who are getting more public safety at less cost. In fact, Arizona has a similar crime rate to most of its neighboring states but imprisons people at a much higher rate. For example, if Arizona's imprisonment rate matched Nevada's, it would save \$200 million a year. If its imprisonment rate matched Utah's, it would save more than \$600 million a year, or nearly the full cost of a 20 percent increase in teacher pay across the state.<sup>15</sup>

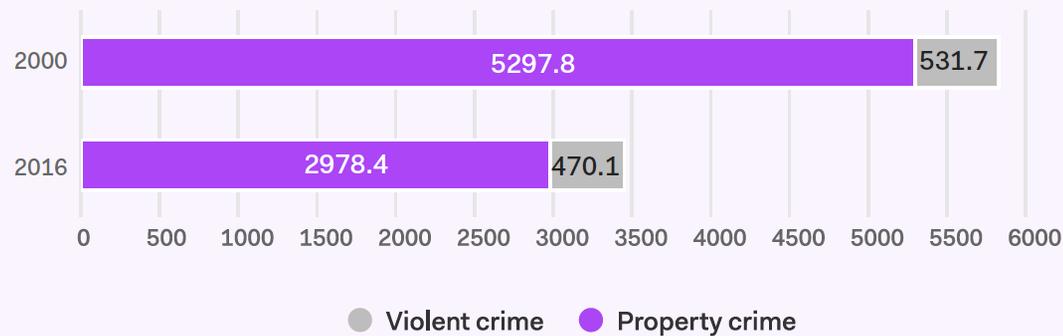
*General observation: The cited report makes no distinction between states on the nature of crime each state may be uniquely dealing with. For example, given Arizona's proximity to an international border and repeated status as a major drug trafficking route, it is to be expected that Arizona would see a different mix of drug-related offenses than, say, Utah.*

Failing to account for total numbers when discussing rates allows for misleading conclusions:

### Arizona's prison population and imprisonment rate have grown during a period of declining crime.

Since 2000, the property crime rate in Arizona is down 44 percent and the violent crime rate is down 12 percent.

Arizona Reported Violent and Property Crime Rate per 100,000 Residents, 2000 vs. 2016



Source: Federal Bureau of Investigation, Uniform Crime Reporting Program

@ p.7

*For example, the rate of violent crime dropped from 2000 to 2016, but that was due to an increase in population where, in 2000, the number of violent crimes was 27,281 with a total population of 5,130,632. Respective numbers in 2016 were 32,542 and 6,908,642. So, while the rate at which a violent crime occurred per 100,000 dropped, the raw numbers of violent crimes went up, which can very well lead to an increase in the number of people prosecuted, convicted, and sentenced to prison given the nature of sentencing and violent crime.*

*Another way to mislead statistics is to conflate violent crime numbers and property crime numbers*



@ p.8

*As noted above, with an increase in violent crimes, violent crime felony filings should have also gone up. However, property crimes, in raw numbers, decreased overall from 271,811 in 2000 to 207,317 in 2016. And, Arizona's sentencing laws make virtually every first-time property offense eligible for probation, reducing the likelihood of a prison sentence until at least the second or third offense, while many violent crimes carry a potential prison sentence for the first offense under dangerous sentencing statutes.*

*The Report displayed a gross lack of understanding of Arizona's criminal laws. For example, in the methodology section, the Report stated:*

## Definition of Violence

Arizona does not have an enumerated, statutory definition of crimes of violence. It does have a “dangerous offense” enhancement, but this enhancement is used irregularly, even among crimes that are commonly defined as violent, such as aggravated assault. Offenses were therefore coded as violent if they ever were associated with a “dangerous” enhancement, if they fit into one of the NCIC codes defined as “violent”, or if partners in state identified them as violent crimes.

@ p. 23

*Violent offense is defined at 13-706.F.2. and 13-901.03*

*§ 13-706. Serious, violent or aggravated offenders; sentencing; life imprisonment; definitions*

*Currentness*

*A. A person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a serious offense except a drug offense, first degree murder or any dangerous crime against children as defined in § 13-705, whether a completed or preparatory offense, and who has previously been convicted of two or more serious offenses not committed on the same occasion shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, except as specifically authorized by § 31-233, subsection A or B, until the person has served at least twenty-five years or the sentence is commuted.*

*B. Unless a longer term of imprisonment or death is the prescribed penalty and notwithstanding any provision that establishes a shorter term of imprisonment, a person who has been convicted of committing or attempting or conspiring to commit any violent or aggravated felony and who has previously been convicted on separate occasions of two or more violent or aggravated felonies not committed on the same occasion shall be sentenced to imprisonment for life and is not eligible for suspension of sentence, probation, pardon or release on any basis except that the person may be eligible for commutation after the person has served at least thirty-five years.*

*C. In order for the penalty under subsection B of this section to apply, both of the following must occur:*

*1. The aggravated or violent felonies that comprise the prior convictions shall have been entered within fifteen years of the conviction for the third offense, not including time spent in custody or on probation for an offense or while the person is an absconder.*

2. *The sentence for the first aggravated or violent felony conviction shall have been imposed before the conduct occurred that gave rise to the second conviction, and the sentence for the second aggravated or violent felony conviction shall have been imposed before the conduct occurred that gave rise to the third conviction.*

*D. Chapter 3 of this title applies to all offenses under this section.*

*E. For the purposes of this section, if a person has been convicted of an offense committed in another jurisdiction that if committed in this state would be a violation or attempted violation of any of the offenses listed in this section and that has the same elements of an offense listed in this section, the offense committed in another jurisdiction is considered an offense committed in this state.*

*F. For the purposes of this section:*

*1. "Serious offense" means any of the following offenses if committed in this state or any offense committed outside this state that if committed in this state would constitute one of the following offenses:*

*(a) First degree murder.*

*(b) Second degree murder.*

*(c) Manslaughter.*

*(d) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.*

*(e) Sexual assault.*

*(f) Any dangerous crime against children.*

*(g) Arson of an occupied structure.*

*(h) Armed robbery.*

*(i) Burglary in the first degree.*

*(j) Kidnapping.*

*(k) Sexual conduct with a minor under fifteen years of age.*

(l) *Child sex trafficking.*

2. *“Violent or aggravated felony” means any of the following offenses:*

(a) *First degree murder.*

(b) *Second degree murder.*

(c) *Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.*

(d) *Dangerous or deadly assault by prisoner.*

(e) *Committing assault with intent to incite to riot or participate in riot.*

(f) *Drive by shooting.*

(g) *Discharging a firearm at a residential structure if the structure is occupied.*

(h) *Kidnapping.*

(i) *Sexual conduct with a minor that is a class 2 felony.*

(j) *Sexual assault.*

(k) *Molestation of a child.*

(l) *Continuous sexual abuse of a child.*

(m) *Violent sexual assault.*

(n) *Burglary in the first degree committed in a residential structure if the structure is occupied.*

(o) *Arson of an occupied structure.*

(p) *Arson of an occupied jail or prison facility.*

(q) *Armed robbery.*

- (r) Participating in or assisting a criminal syndicate or leading or participating in a criminal street gang.*
- (s) Terrorism.*
- (t) Taking a child for the purpose of prostitution.*
- (u) Child sex trafficking.*
- (v) Commercial sexual exploitation of a minor.*
- (w) Sexual exploitation of a minor.*
- (x) Unlawful introduction of disease or parasite as prescribed by § 13-2912, subsection A, paragraph 2 or 3.*

*§ 13-901.03. Violent crimes; allegation; definition*

*A. The allegation that the defendant committed a violent crime shall be charged in the indictment or information and admitted or found by the court. The court shall allow the allegation that the defendant committed a violent crime at any time before the date the case is actually tried unless the allegation is filed fewer than twenty days before the case is actually tried and the court finds on the record that the defendant was in fact prejudiced by the untimely filing and states the reasons for these findings.*

*B. For the purpose of this section, “**violent crime**” includes any criminal act that results in death or physical injury or any criminal use of a deadly weapon or dangerous instrument.*