

REFERENCE TITLE: aggravated domestic violence; violation

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1335

Introduced by
Senator Bee

AN ACT

AMENDING SECTION 13-3601.02, ARIZONA REVISED STATUTES; RELATING TO FAMILY OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3601.02, Arizona Revised Statutes, is amended to
3 read:

4 13-3601.02. Aggravated domestic violence; classification;
5 definition

6 A. A person is guilty of aggravated domestic violence if the person
7 within a period of eighty-four months commits a ~~third~~ SECOND or subsequent
8 violation of a domestic violence offense or is convicted of a violation of
9 a domestic violence offense and has previously been convicted of any
10 combination of convictions of a domestic violence offense or acts in
11 another state, a court of the United States or a tribal court that if
12 committed in this state would be a violation of a domestic violence
13 offense.

14 B. A person who is convicted under this section and who within a
15 period of eighty-four months has been convicted of ~~two~~ A prior ~~violations~~
16 VIOLATION of a domestic violence offense or ~~acts~~ AN ACT in another state,
17 a court of the United States or a tribal court that if committed in this
18 state would be a domestic violence offense is not eligible for probation,
19 pardon, commutation or suspension of sentence or release on any other
20 basis until the person has served not less than four months in jail.

21 C. A person who is convicted under this section and who within a
22 period of eighty-four months has been convicted of ~~three~~ TWO or more prior
23 violations of a domestic violence offense or acts in another state, a
24 court of the United States or a tribal court that if committed in this
25 state would be a domestic violence offense is not eligible for probation,
26 pardon, commutation or suspension of sentence or release on any other
27 basis until the person has served not less than eight months in jail.

28 D. The dates of the commission of the offenses are the determining
29 factor in applying the eighty-four month provision in subsection A of this
30 section regardless of the sequence in which the offenses were committed.
31 For THE purposes of this section, a ~~third~~ SECOND or subsequent violation
32 for which a conviction occurs does not include a conviction for an offense
33 arising out of the same series of acts.

34 E. For the purposes of this section, prior convictions for
35 misdemeanor domestic violence offenses apply only to convictions for
36 offenses that were committed on or after January 1, 1999.

37 F. Aggravated domestic violence is a class 5 felony.

38 G. For the purposes of this section, "domestic violence offense"
39 means an offense involving domestic violence as defined in section
40 13-3601.