

REFERENCE TITLE: sex offenders; probation; terms

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1484

Introduced by
Senators Pesquiera, Landrum Taylor: Aboud, Gray C

AN ACT

AMENDING SECTIONS 13-902 AND 25-403.05, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-902, Arizona Revised Statutes, is amended to
3 read:
4 13-902. Periods of probation
5 A. Unless terminated sooner, probation may continue for the following
6 periods:
7 1. For a class 2 felony, seven years.
8 2. For a class 3 felony, five years.
9 3. For a class 4 felony, four years.
10 4. For a class 5 or 6 felony, three years.
11 5. For a class 1 misdemeanor, three years.
12 6. For a class 2 misdemeanor, two years.
13 7. For a class 3 misdemeanor, one year.
14 B. Notwithstanding subsection A of this section, unless terminated
15 sooner, probation may continue for the following periods:
16 1. For a violation of section 28-1381 or 28-1382, five years.
17 2. For a violation of section 28-1383, ten years.
18 C. When the court has required, as a condition of probation, that the
19 defendant make restitution for any economic loss related to the defendant's
20 offense and that condition has not been satisfied, the court at any time
21 before the termination or expiration of probation may extend the period
22 within the following limits:
23 1. For a felony, not more than three years.
24 2. For a misdemeanor, not more than one year.
25 D. Notwithstanding any other provision of law, justice courts and
26 municipal courts may impose the probation periods specified in subsection A,
27 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.
28 E. After conviction of a felony offense or an attempt to commit any
29 offense that is included in chapter 14 or 35.1 of this title or section
30 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may
31 continue for a term of not less than the term that is specified in subsection
32 A of this section up to and including life and that the court believes is
33 appropriate for the ends of justice.
34 F. After conviction of a violation of section 13-3824, subsection A,
35 if a term of probation is imposed and the offense for which the person was
36 required to register was a felony, probation may continue for a term of not
37 less than the term that is specified in subsection A of this section up to
38 and including life and that the court believes is appropriate for the ends of
39 justice.
40 G. Beginning November 1, 2006, after conviction of a dangerous crime
41 against children as defined in section 13-604.01, if a term of probation is
42 imposed, the court shall require global position system monitoring for the
43 duration of the term of probation.

1 H. AFTER CONVICTION OF A PARENT OR GUARDIAN OF A MINOR CHILD OF A
2 FELONY OFFENSE OR AN ATTEMPT TO COMMIT ANY OFFENSE THAT IS INCLUDED IN
3 CHAPTER 14 OR 35.1 OF THIS TITLE, IF A TERM OF PROBATION IS IMPOSED AND THE
4 OFFENSE FOR WHICH THE PARENT OR GUARDIAN WAS CONVICTED WAS COMMITTED AGAINST
5 THE PARENT'S OR GUARDIAN'S MINOR CHILD, THE COURT SHALL REQUIRE AS A
6 CONDITION OF PROBATION THAT THE PARENT OR GUARDIAN REMAIN MORE THAN FIVE
7 MILES AWAY FROM THE MINOR CHILD.

8 Sec. 2. Section 25-403.05, Arizona Revised Statutes, is amended to
9 read:

10 25-403.05. Sexual offenders; murderers; custody and parenting
11 time

12 Unless the court finds that there is no significant risk to the child
13 AND THE PERSON IS NOT SUBJECT TO SECTION 13-902, SUBSECTION H and states its
14 reasons in writing, the court shall not grant a person sole or joint physical
15 or legal custody of a child or unsupervised parenting time with a child if
16 the person:

17 1. Is a registered sex offender.

18 2. Has been convicted of murder in the first degree and the victim of
19 the murder was the other parent of the child who is the subject of the
20 order. In making its finding, the court may consider, among other factors,
21 the following:

22 (a) Credible evidence that the convicted parent was a victim of
23 domestic violence, as defined in section 13-3601, committed by the murdered
24 parent.

25 (b) Testimony of an expert witness that the convicted parent suffered
26 trauma from abuse committed by the murdered parent.