

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1191

AN ACT

AMENDING SECTION 13-504, ARIZONA REVISED STATUTES; RELATING TO JUVENILE
CRIMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-504, Arizona Revised Statutes, is amended to
3 read:

4 13-504. Persons under eighteen years of age: juvenile transfer

5 A. On THE motion of a juvenile or on the court's own motion, the
6 court, if a juvenile is being prosecuted in the same manner as an adult
7 pursuant to section 13-501, subsection B ~~for a violation of title 13, chapter~~
8 ~~14 or 35.1~~, shall hold a hearing to determine if jurisdiction of the criminal
9 prosecution should be transferred to the juvenile court.

10 B. Notwithstanding subsection A of this section, the court shall hold
11 a hearing if a juvenile is prosecuted in the same manner as an adult pursuant
12 to section 13-501, subsection B for ~~a violation of title 13, chapter 14 or~~
13 ~~35.1~~ AN OFFENSE that was committed more than twelve months before the date of
14 the filing of the criminal charge.

15 C. If the court finds by clear and convincing evidence that public
16 safety and the rehabilitation of the juvenile, if adjudicated delinquent,
17 would be best served by transferring the prosecution to the juvenile court,
18 the judge shall order the juvenile transferred to the juvenile court. On
19 transfer, the court shall order that the juvenile be taken to a place of
20 detention designated by the juvenile court or to that court or shall release
21 the juvenile to the custody of the juvenile's parent, ~~OR~~ guardian or other
22 person legally responsible for the juvenile. If the juvenile is released to
23 the juvenile's parent, ~~OR~~ guardian or other person legally responsible for
24 the juvenile, the court shall require that the parent, guardian or other
25 person bring the juvenile to appear before the juvenile court at a designated
26 time. The juvenile court shall then proceed with all further proceedings as
27 if a petition alleging delinquency had been filed with the juvenile court
28 under section 8-301.

29 D. The court shall consider the following factors in determining
30 whether ~~the~~ public safety and the juvenile's rehabilitation, if adjudicated
31 delinquent, would be served by the transfer:

32 1. The seriousness of the offense involved.

33 2. The record and previous history of the juvenile, including previous
34 contacts with the court and law enforcement, previous periods of any court
35 ordered probation and the results of that probation.

36 3. Any previous commitments of the juvenile to juvenile residential
37 placements or other secure institutions.

38 4. Whether the juvenile was previously committed to the department of
39 juvenile corrections for a felony offense.

40 5. Whether the juvenile committed another felony offense while the
41 juvenile was a ward of the department of juvenile corrections.

42 6. Whether the juvenile committed the alleged offense while
43 participating in, assisting, promoting or furthering the interests of a
44 criminal street gang, a criminal syndicate or a racketeering enterprise.

45 7. The views of the victim of the offense.

1 8. **WHETHER** the degree of the juvenile's participation in the offense
2 was relatively minor but not so minor as to constitute a defense to
3 prosecution.

4 9. The juvenile's mental and emotional condition.

5 10. The likelihood of the juvenile's reasonable rehabilitation through
6 the use of services and facilities that are currently available to the
7 juvenile court.

8 E. At the conclusion of the transfer hearing, the court shall make a
9 written determination whether the juvenile should be transferred to juvenile
10 court. The court shall not defer the decision as to the transfer.