

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1009

AN ACT

AMENDING SECTION 13-501, ARIZONA REVISED STATUTES; RELATING TO JUVENILE PROSECUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-501, Arizona Revised Statutes, is amended to
3 read:

4 13-501. Persons under eighteen years of age; felony charging;
5 definitions

6 A. The county attorney shall bring a criminal prosecution against a
7 juvenile in the same manner as an adult if the juvenile is fifteen, sixteen
8 or seventeen years of age **AT THE TIME THE ALLEGED OFFENSE IS COMMITTED** and
9 **THE JUVENILE** is accused of any of the following offenses:

- 10 1. First degree murder in violation of section 13-1105.
- 11 2. Second degree murder in violation of section 13-1104.
- 12 3. Forcible sexual assault in violation of section 13-1406.
- 13 4. Armed robbery in violation of section 13-1904.
- 14 5. Any other violent felony offense.
- 15 6. Any felony offense committed by a chronic felony offender.
- 16 7. Any offense that is properly joined to an offense listed in this

17 subsection.

18 B. Except as provided in subsection A of this section, the county
19 attorney may bring a criminal prosecution against a juvenile in the same
20 manner as an adult if the juvenile is at least fourteen years of age **AT THE**
21 **TIME THE ALLEGED OFFENSE IS COMMITTED** and **THE JUVENILE** is accused of any of
22 the following offenses:

- 23 1. A class 1 felony.
- 24 2. A class 2 felony.
- 25 3. A class 3 felony in violation of any offense in chapters 10 through
- 26 17 or chapter 19 or 23 of this title.
- 27 4. A class 3, 4, 5 or 6 felony involving a dangerous offense.
- 28 5. Any felony offense committed by a chronic felony offender.
- 29 6. Any offense that is properly joined to an offense listed in this

30 subsection.

31 C. A criminal prosecution shall be brought against a juvenile in the
32 same manner as an adult if the juvenile has been accused of a criminal
33 offense and has a historical prior felony conviction.

34 D. At the time the county attorney files a complaint or indictment the
35 county attorney shall file a notice stating that the juvenile is a chronic
36 felony offender. Subject to subsection E of this section, the notice shall
37 establish and confer jurisdiction over the juvenile as a chronic felony
38 offender.

39 E. ~~Upon~~ **ON** motion of the juvenile the court shall hold a hearing after
40 arraignment and before trial to determine if a juvenile is a chronic felony
41 offender. At the hearing the state shall prove by a preponderance of the
42 evidence that the juvenile is a chronic felony offender. If the court does
43 not find that the juvenile is a chronic felony offender, the court shall
44 transfer the juvenile to the juvenile court pursuant to section 8-302. If
45 the court finds that the juvenile is a chronic felony offender or if the

1 juvenile does not file a motion to determine if the juvenile is a chronic
2 felony offender, the criminal prosecution shall continue.

3 F. Except as provided in section 13-921, a person who is charged
4 pursuant to this section shall be sentenced in the criminal court in the same
5 manner as an adult for any offense for which the person is convicted.

6 G. UNLESS OTHERWISE PROVIDED BY LAW, NOTHING IN THIS SECTION SHALL BE
7 CONSTRUED AS TO CONFER JURISDICTION IN THE JUVENILE COURT OVER ANY PERSON WHO
8 IS EIGHTEEN YEARS OF AGE OR OLDER.

9 ~~G.~~ H. For the purposes of this section:

10 1. "Accused" means a juvenile against whom a complaint, information or
11 indictment is filed.

12 2. "Chronic felony offender" means a juvenile who has had two prior
13 and separate adjudications and dispositions for conduct that would constitute
14 a historical prior felony conviction if the juvenile had been tried as an
15 adult.

16 3. "Forcible sexual assault" means sexual assault pursuant to section
17 13-1406 that is committed without consent as defined in section 13-1401,
18 paragraph 5, subdivision (a).

19 4. "Other violent felony offense" means:

20 (a) Aggravated assault pursuant to section 13-1204, subsection A,
21 paragraph 1.

22 (b) Aggravated assault pursuant to section 13-1204, subsection A,
23 paragraph 2 involving the use of a deadly weapon.

24 (c) Drive by shooting pursuant to section 13-1209.

25 (d) Discharging a firearm at a structure pursuant to section 13-1211.