

C. GRAY FLOOR AMENDMENT  
SENATE AMENDMENTS TO H.B. 2207  
(Reference to JUD amendment)

1 Page 1, between lines 5 and 6, insert:

2 *Page 22, line 2, strike "that" insert "THAT"*

3 *Line 28, after "PROBATION" insert ", ON ESCAPE STATUS"*

4 *Line 30, after "PROBATION" insert "OR ESCAPE STATUS"*

5 *Line 31, after the period insert "FOR THE PURPOSES OF THIS*  
6 *SUBDIVISION, "ESCAPE" MEANS:*

7 *(i) A DEPARTURE FROM CUSTODY OR FROM A JUVENILE SECURE CARE*  
8 *FACILITY, A JUVENILE DETENTION FACILITY OR AN ADULT CORRECTIONAL*  
9 *FACILITY IN WHICH THE PERSON IS HELD OR DETAINED, WITH KNOWLEDGE*  
10 *THAT THE DEPARTURE IS NOT PERMITTED, OR THE FAILURE TO RETURN TO*  
11 *CUSTODY OR DETENTION FOLLOWING A TEMPORARY LEAVE GRANTED FOR A*  
12 *SPECIFIC PURPOSE OR FOR A LIMITED PERIOD.*

13 *(ii) A FAILURE TO REPORT AS ORDERED TO CUSTODY OR DETENTION*  
14 *TO BEGIN SERVING A TERM OF INCARCERATION."*

15 *Line 35, after "PROBATION" insert ", ON ESCAPE STATUS"*

16 *Line 37, after "PROBATION" insert "OR ESCAPE STATUS"*

17 *Line 38, after the period insert "FOR THE PURPOSES OF THIS*  
18 *SUBDIVISION, "ESCAPE" HAS THE SAME MEANING PRESCRIBED IN*  
19 *SUBDIVISION (b) OF THIS PARAGRAPH."*

20 *Page 28, strike lines 12 through 16, insert:*

21 *"Sec. 15. Repeal*

22 *Section 13-604, Arizona Revised Statutes, as amended by Laws*  
23 *2008, chapter 24, section 1, is repealed."*

24 *Page 29, line 2, after the second comma insert "as amended by Laws*  
25 *2008, chapter 219, section 1,"*

26 *Between lines 8 and 9, insert:*

27 *"A. Section 13-604.01, Arizona Revised Statutes, as amended*  
28 *by Laws 2008, chapter 97, section 1, is repealed.*

1                   B. Section 13-604.01, Arizona Revised Statutes, as amended  
2                   by Laws 2008, chapter 195, section 1, is repealed.

3                   C."

4 Page 1, between lines 22 and 23, insert:

5                   Line 13, strike "1 YEAR" insert "1.1 YEARS"

6                   Line 23, strike "2.7" insert "2.75"

7                   Line 31, strike "5.6" insert "5.75"

8 Page 2, strike lines 12 through 19, insert:

9                   Strike lines 29 through 45

10                  Strike pages 48 through 51

11                  Page 52, strike lines 1 through 18, insert:

12                         "Sec. 29. Section 13-705, Arizona Revised Statutes, as  
13                         transferred and renumbered by this act, is amended to read:

14                         13-705. Dangerous crimes against children; sentences;  
15                         definitions

16                         A. A person who is at least eighteen years of age and who  
17                         ~~stands~~ IS convicted of a dangerous crime against children in the  
18                         first degree involving sexual assault of a minor who is twelve  
19                         years of age or younger or sexual conduct with a minor who is  
20                         twelve years of age or younger shall be sentenced to life  
21                         imprisonment and is not eligible for suspension of sentence,  
22                         probation, pardon or release from confinement on any basis except  
23                         as specifically authorized by section 31-233, subsection A or B  
24                         until the person has served thirty-five years or the sentence is  
25                         commuted. This subsection does not apply to masturbatory  
26                         contact.

27                         B. Except as otherwise provided in this section, a person  
28                         who is at least eighteen years of age or who has been tried as an  
29                         adult and who ~~stands~~ IS convicted of a dangerous crime against  
30                         children in the first degree involving attempted first degree  
31                         murder of a minor who is under twelve years of age, second degree  
32                         murder of a minor who is under twelve years of age, sexual

1 assault of a minor who is under twelve years of age, sexual  
 2 conduct with a minor who is under twelve years of age or  
 3 manufacturing methamphetamine under circumstances that cause  
 4 physical injury to a minor who is under twelve years of age may  
 5 be sentenced to life imprisonment and is not eligible for  
 6 suspension of sentence, probation, pardon or release from  
 7 confinement on any basis except as specifically authorized by  
 8 section 31-233, subsection A or B until the person has served  
 9 thirty-five years or the sentence is commuted. If a life  
 10 sentence is not imposed pursuant to this subsection, the person  
 11 shall be sentenced to a ~~presumptive~~ term of imprisonment ~~for~~  
 12 ~~twenty years.~~ AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
13 YEARS	20 YEARS	27 YEARS

15 C. Except as otherwise provided in this section, a person  
 16 who is at least eighteen years of age or who has been tried as an  
 17 adult and who ~~stands~~ IS convicted of a dangerous crime against  
 18 children in the first degree involving attempted first degree  
 19 murder of a minor who is twelve, thirteen or fourteen years of  
 20 age, second degree murder of a minor who is twelve, thirteen or  
 21 fourteen years of age, sexual assault of a minor who is twelve,  
 22 thirteen or fourteen years of age, taking a child for the purpose  
 23 of prostitution, child prostitution, sexual conduct with a minor  
 24 who is twelve, thirteen or fourteen years of age, continuous  
 25 sexual abuse of a child, sex trafficking of a minor who is under  
 26 fifteen years of age or manufacturing methamphetamine under  
 27 circumstances that cause physical injury to a minor who is  
 28 twelve, thirteen or fourteen years of age or involving or using  
 29 minors in drug offenses shall be sentenced to a ~~presumptive~~ term  
 30 of imprisonment ~~for twenty years.~~ ~~If the convicted~~ AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
13 YEARS	20 YEARS	27 YEARS

1 A person WHO has been previously convicted of one predicate  
2 felony ~~the person~~ shall be sentenced to a ~~presumptive~~ term of  
3 imprisonment ~~for thirty years.~~ AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
23 YEARS	30 YEARS	37 YEARS

4  
5  
6 D. Except as otherwise provided in this section, a person  
7 who is at least eighteen years of age or who has been tried as an  
8 adult and who ~~stands IS~~ convicted of a dangerous crime against  
9 children in the first degree involving aggravated assault,  
10 molestation of a child, commercial sexual exploitation of a  
11 minor, sexual exploitation of a minor, aggravated luring a minor  
12 for sexual exploitation, child abuse or kidnapping shall be  
13 sentenced to a ~~presumptive~~ term of imprisonment ~~for seventeen~~  
14 ~~years.~~ ~~If the convicted~~ AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
10 YEARS	17 YEARS	24 YEARS

15  
16  
17 A person WHO has been previously convicted of one predicate  
18 felony ~~the person~~ shall be sentenced to a ~~presumptive~~ term of  
19 imprisonment ~~for twenty-eight years.~~ AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
21 YEARS	28 YEARS	35 YEARS

20  
21  
22 E. Except as otherwise provided in this section, ~~IF~~ a person  
23 ~~who~~ is at least eighteen years of age or ~~who~~ has been tried as an  
24 adult and ~~who stands IS~~ convicted of a dangerous crime against  
25 children involving luring a minor for sexual exploitation  
26 ~~pursuant to section 13-3554 is guilty of a class 3 felony and~~  
27 ~~shall be sentenced to a presumptive term of imprisonment for ten~~  
28 ~~years and, unless the person has previously been convicted of a~~  
29 ~~predicate felony, the presumptive term may be increased or~~  
30 ~~decreased by up to five years pursuant to section 13-702,~~  
31 ~~subsections B, C and D. If the person OR UNLAWFUL AGE~~  
32 ~~MISREPRESENTATION AND~~ is sentenced to a term of imprisonment, ~~THE~~

1 *TERM OF IMPRISONMENT IS AS FOLLOWS AND* the person is not eligible  
2 for release from confinement on any basis except as specifically  
3 authorized by section 31-233, subsection A or B until the  
4 sentence imposed by the court has been served, the person is  
5 eligible for release pursuant to section 41-1604.07 or the  
6 sentence is commuted. ~~If the convicted:~~

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
5 YEARS	10 YEARS	15 YEARS

9 A person *WHO* has been previously convicted of one predicate  
10 felony ~~the person~~ shall be sentenced to a ~~presumptive~~ term of  
11 imprisonment ~~for fifteen years~~ *AS FOLLOWS* and *THE PERSON* is not  
12 eligible for suspension of sentence, probation, pardon or release  
13 from confinement on any basis except as specifically authorized  
14 by section 31-233, subsection A or B until the sentence imposed  
15 by the court has been served, the person is eligible for release  
16 pursuant to section 41-1604.07 or the sentence is commuted. ~~:~~

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
8 YEARS	15 YEARS	22 YEARS

17  
18  
19 F. Except as otherwise provided in this section, *IF* a person  
20 ~~who~~ is at least eighteen years of age or ~~who~~ has been tried as an  
21 adult and ~~who stands~~ *IS* convicted of a dangerous crime against  
22 children involving sexual abuse ~~under section 13-1404~~ or  
23 bestiality under section 13-1411, subsection A, paragraph 2 ~~is~~  
24 ~~guilty of a class 3 felony and shall be~~ *AND IS* sentenced to a  
25 ~~presumptive term of imprisonment for five years, and unless the~~  
26 ~~person has previously been convicted of a predicate felony, the~~  
27 ~~presumptive term may be increased or decreased by up to two and~~  
28 ~~one-half years pursuant to section 13-702, subsections B, C~~  
29 ~~and D. If the person is sentenced to a~~ term of imprisonment, *THE*  
30 *TERM OF IMPRISONMENT IS AS FOLLOWS AND* the person is not eligible  
31 for release from confinement on any basis except as specifically  
32 authorized by section 31-233, subsection A or B until the

1 sentence imposed by the court has been served, the person is  
2 eligible for release pursuant to section 41-1604.07 or the  
3 sentence is commuted. ~~If the convicted:~~

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
2.5 YEARS	5 YEARS	7.5 YEARS

4  
5  
6 A person WHO has been previously convicted of one predicate  
7 felony ~~the person~~ shall be sentenced to a ~~presumptive~~ term of  
8 imprisonment ~~for fifteen years~~ AS FOLLOWS and THE PERSON is not  
9 eligible for suspension of sentence, probation, pardon or release  
10 from confinement on any basis except as specifically authorized  
11 by section 31-233, subsection A or B until the sentence imposed  
12 by the court has been served, the person is eligible for release  
13 pursuant to section 41-1604.07 or the sentence is commuted. ~~:-~~

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
8 YEARS	15 YEARS	22 YEARS

14  
15  
16 G. The presumptive sentences prescribed in subsections B, C  
17 and D of this section or subsections E and F of this section if  
18 the person has previously been convicted of a predicate felony  
19 may be increased or decreased ~~by up to seven years~~ pursuant to  
20 ~~the provisions of~~ section ~~13-702~~ 13-701, subsections ~~B, C, and D~~  
21 AND E.

22 H. Except as provided in subsection F of this section, a  
23 person WHO IS sentenced for a dangerous crime against children in  
24 the first degree pursuant to this section is not eligible for  
25 suspension of sentence, probation, pardon or release from  
26 confinement on any basis except as specifically authorized by  
27 section 31-233, subsection A or B until the sentence imposed by  
28 the court has been served or commuted.

29 I. A person who ~~stands~~ IS convicted of any dangerous crime  
30 against children in the first degree pursuant to subsection C or  
31 D of this section and who has been previously convicted of two or  
32 more predicate felonies shall be sentenced to life imprisonment

1 and is not eligible for suspension of sentence, probation, pardon  
2 or release from confinement on any basis except as specifically  
3 authorized by section 31-233, subsection A or B until the person  
4 has served not fewer than thirty-five years or the sentence is  
5 commuted.

6 J. Notwithstanding chapter 10 of this title, a person who is  
7 at least eighteen years of age or who has been tried as an adult  
8 and who ~~stands~~ IS convicted of a dangerous crime against children  
9 in the second degree pursuant to subsection B, C or D of this  
10 section is guilty of a class 3 felony and ~~shall be sentenced to a~~  
11 ~~presumptive term of imprisonment for ten years. The presumptive~~  
12 ~~term may be increased or decreased by up to five years pursuant~~  
13 ~~to section 13-702, subsections B, C and D.~~ if the person is  
14 sentenced to a term of imprisonment, **THE TERM OF IMPRISONMENT IS**  
15 **AS FOLLOWS AND** the person is not eligible for release from  
16 confinement on any basis except as specifically authorized by  
17 section 31-233, subsection A or B until the person has served the  
18 sentence imposed by the court, the person is eligible for release  
19 pursuant to section 41-1604.07 or the sentence is commuted: ~~—~~

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
5 YEARS	10 YEARS	15 YEARS

22 K. A person who is convicted of any dangerous crime against  
23 children in the second degree and who has been previously  
24 convicted of one or more predicate felonies is not eligible for  
25 suspension of sentence, probation, pardon or release from  
26 confinement on any basis except as specifically authorized by  
27 section 31-233, subsection A or B until the sentence imposed by  
28 the court has been served, the person is eligible for release  
29 pursuant to section 41-1604.07 or the sentence is commuted.

30 ~~K.~~ L. Section ~~13-604, subsections M and O~~ 13-704,  
31 **SUBSECTION J AND SECTION 13-707, SUBSECTION B** apply to the  
32 determination of prior convictions.

1           ~~L.~~ *M. The sentence imposed on a person by the court for a*  
2 *dangerous crime against children under subsection D of this*  
3 *section involving child molestation or sexual abuse pursuant to*  
4 *subsection F of this section may be served concurrently with*  
5 *other sentences if the offense involved only one victim. The*  
6 *sentence imposed on a person for any other dangerous crime*  
7 *against children in the first or second degree shall be*  
8 *consecutive to any other sentence imposed on the person at any*  
9 *time, including child molestation and sexual abuse of the same*  
10 *victim.*

11           ~~M.~~ *N. In this section, for purposes of punishment an unborn*  
12 *child shall be treated like a minor who is under twelve years of*  
13 *age.*

14           *O. A DANGEROUS CRIME AGAINST CHILDREN IS IN THE FIRST DEGREE*  
15 *IF IT IS A COMPLETED OFFENSE AND IS IN THE SECOND DEGREE IF IT IS*  
16 *A PREPARATORY OFFENSE, EXCEPT ATTEMPTED FIRST DEGREE MURDER IS A*  
17 *DANGEROUS CRIME AGAINST CHILDREN IN THE FIRST DEGREE.*

18           ~~N.~~ *P. For the purposes of this section:*

19           1. *"Dangerous crime against children" means any of the*  
20 *following that is committed against a minor who is under fifteen*  
21 *years of age:*

22                   (i) *Second degree murder.*

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

26                   (iii) *Sexual assault.*

27                   (iv) *Molestation of a child.*

28                   (v) *Sexual conduct with a minor.*

29                   (vi) *Commercial sexual exploitation of a minor.*

30                   (vii) *Sexual exploitation of a minor.*

31                   (viii) *Child abuse as prescribed in section 13-3623,*  
32 *subsection A, paragraph 1.*

1 (i) Kidnapping.

2 (j) Sexual abuse.

3 (k) Taking a child for the purpose of prostitution  
4 as prescribed in section 13-3206.

5 (l) Child prostitution as prescribed in section  
6 13-3212.

7 (m) Involving or using minors in drug offenses.

8 (n) Continuous sexual abuse of a child.

9 (o) Attempted first degree murder.

10 (p) Sex trafficking.

11 (q) Manufacturing methamphetamine under  
12 circumstances that cause physical injury to a minor.

13 (r) Bestiality as prescribed in section 13-1411,  
14 subsection A, paragraph 2.

15 (s) Luring a minor for sexual exploitation.

16 (t) Aggravated luring a minor for sexual exploitation.

17 (u) **UNLAWFUL AGE MISREPRESENTATION.**

18 ~~A dangerous crime against children is in the first degree if~~  
19 ~~it is a completed offense and is in the second degree if it~~  
20 ~~is a preparatory offense, except attempted first degree~~  
21 ~~murder is a dangerous crime against children in the first~~  
22 ~~degree.~~

23 2. "Predicate felony" means any felony involving child abuse  
24 pursuant to section 13-3623, subsection A, paragraph 1, a sexual  
25 offense, conduct involving the intentional or knowing infliction  
26 of serious physical injury or the discharge, use or threatening  
27 exhibition of a deadly weapon or dangerous instrument, or a  
28 dangerous crime against children in the first or second degree."

29 Page 52, line 24, after "OFFENSE" insert "EXCEPT A DRUG OFFENSE"

1 Page 3, between lines 5 and 6, insert:

2 Page 103, between lines 29 and 30, insert:

3 "Sec. 82. Section 13-3560, Arizona Revised Statutes, as  
4 added by Laws 2008, chapter 219, section 4, is amended to read:

5 13-3560. Aggravated luring a minor for sexual  
6 exploitation; classification; definitions

7 A. A person commits aggravated luring a minor for sexual  
8 exploitation if the person does both of the following:

9 1. Knowing the character and content of the depiction, uses  
10 an electronic communication device to transmit at least one  
11 visual depiction of material that is harmful to minors for the  
12 purpose of initiating or engaging in communication with a  
13 recipient who the person knows or has reason to know is a minor.

14 2. By means of the communication, offers or solicits sexual  
15 conduct with the minor. The offer or solicitation may occur  
16 before, contemporaneously with, after or as an integrated part of  
17 the transmission of the visual depiction.

18 B. It is not a defense to a prosecution for a violation of  
19 this section that the other person is not a minor or that the  
20 other person is a peace officer posing as a minor.

21 C. Aggravated luring a minor for sexual exploitation is a  
22 class 2 felony, and if the minor is under fifteen years of age it  
23 is punishable pursuant to section ~~13-604.01~~ 13-705, subsection D.

24 D. The defense prescribed in section 13-1407, subsection F  
25 applies to a prosecution pursuant to this section.

26 E. For the purposes of this section:

27 1. "Electronic communication device" means any electronic  
28 device that is capable of transmitting visual depictions and  
29 includes any of the following:

30 (a) A computer, computer system or network as defined in  
31 section 13-2301.



1 Renumber to conform

2 Page 3, strike lines 7 through 13, insert:

3 Page 108, strike lines 33 through 45

4 Strike pages 109 through 112

5 Page 113, strike lines 1 through 30, insert:

6 "Sec. 87. Section 13-3727, Arizona Revised Statutes, as  
7 amended by Laws 2008, chapter 6, section 1, is amended to read:

8 13-3727. Unlawful residency; persons convicted of  
9 criminal offenses; exceptions; preemption;  
10 classification

11 A. It is unlawful for a person who has been convicted of a  
12 dangerous crime against children as defined in section ~~13-604.01~~  
13 ~~13-705~~ or who has been convicted of an offense committed in  
14 another jurisdiction that if committed in this state would be a  
15 dangerous crime against children as defined in section ~~13-604.01~~  
16 ~~13-705~~, who is required to register pursuant to section 13-3821  
17 and who is classified as a level three offender pursuant to  
18 sections 13-3825 and 13-3826 to reside within one thousand feet  
19 of the real property comprising any of the following:

20 1. A private school, as defined in section 15-101, or a  
21 public school that provides instruction in kindergarten programs  
22 and any combination of kindergarten programs and grades one  
23 through eight.

24 2. A private school, as defined in section 15-101, or a  
25 public school that provides instruction in any combination of  
26 grades nine through twelve.

27 3. A child care facility as defined in section 36-881.

28 B. This section does not apply to any of the following:

29 1. A person who establishes the person's residence before  
30 September 19, 2007 or before a new school or child care facility  
31 is located.



1           *violation of any of the following offenses or an offense that was*  
2           *in effect before September 1, 1978 and that, if committed on or*  
3           *after September 1, 1978, has the same elements of an offense*  
4           *listed in this section or who is required to register by the*  
5           *convicting jurisdiction, within ten days after the conviction or*  
6           *within ten days after entering and remaining in any county of*  
7           *this state, shall register with the sheriff of that county:*

8           1. *Unlawful imprisonment pursuant to section 13-1303 if the*  
9           *victim is under eighteen years of age and the unlawful*  
10           *imprisonment was not committed by the child's parent.*

11           2. *Kidnapping pursuant to section 13-1304 if the victim is*  
12           *under eighteen years of age and the kidnapping was not committed*  
13           *by the child's parent.*

14           3. *Sexual abuse pursuant to section 13-1404 if the victim is*  
15           *under eighteen years of age.*

16           4. *Sexual conduct with a minor pursuant to section 13-1405.*

17           5. *Sexual assault pursuant to section 13-1406.*

18           6. *Sexual assault of a spouse if the offense was committed*  
19           *before August 12, 2005.*

20           7. *Molestation of a child pursuant to section 13-1410.*

21           8. *Continuous sexual abuse of a child pursuant to section*  
22           *13-1417.*

23           9. *Taking a child for the purpose of prostitution pursuant*  
24           *to section 13-3206.*

25           10. *Child prostitution pursuant to section 13-3212.*

26           11. *Commercial sexual exploitation of a minor pursuant to*  
27           *section 13-3552.*

28           12. *Sexual exploitation of a minor pursuant to section*  
29           *13-3553.*

30           13. *Luring a minor for sexual exploitation pursuant to*  
31           *section 13-3554.*

32           14. *Sex trafficking of a minor pursuant to section 13-1307.*

1           15. A second or subsequent violation of indecent exposure to  
2 a person under fifteen years of age pursuant to section 13-1402.

3           16. A second or subsequent violation of public sexual  
4 indecency to a minor under the age of fifteen years pursuant to  
5 section 13-1403, subsection B.

6           17. A third or subsequent violation of indecent exposure  
7 pursuant to section 13-1402.

8           18. A third or subsequent violation of public sexual  
9 indecency pursuant to section 13-1403.

10           19. A violation of section 13-3822 or 13-3824.

11           20. Unlawful age misrepresentation.

12           21. **AGGRAVATED LURING A MINOR FOR SEXUAL EXPLOITATION**  
13 **PURSUANT TO SECTION 13-3560.**

14           B. Before the person is released from confinement the state  
15 department of corrections in conjunction with the department of  
16 public safety and each county sheriff shall complete the  
17 registration of any person who was convicted of a violation of  
18 any offense listed under subsection A of this section. Within  
19 three days after the person's release from confinement, the state  
20 department of corrections shall forward the registered person's  
21 records to the department of public safety and to the sheriff of  
22 the county in which the registered person intends to reside.  
23 Registration pursuant to this subsection shall be consistent with  
24 subsection E of this section.

25           C. Notwithstanding subsection A of this section, the judge  
26 who sentences a defendant for any violation of chapter 14 or 35.1  
27 of this title or for an offense for which there was a finding of  
28 sexual motivation pursuant to section 13-118 may require the  
29 person who committed the offense to register pursuant to this  
30 section.

31           D. The court may require a person who has been adjudicated  
32 delinquent for an act that would constitute an offense specified

1           *in subsection A or C of this section to register pursuant to this*  
2           *section. Any duty to register under this subsection shall*  
3           *terminate when the person reaches twenty-five years of age.*

4           *E. A person who has been convicted of or adjudicated*  
5           *delinquent and who is required to register in the convicting*  
6           *state for an act that would constitute an offense specified in*  
7           *subsection A or C of this section and who is not a resident of*  
8           *this state shall be required to register pursuant to this section*  
9           *if the person is either:*

10           1. *Employed full-time or part-time in this state, with or*  
11           *without compensation, for more than fourteen consecutive days or*  
12           *for an aggregate period of more than thirty days in a calendar*  
13           *year.*

14           2. *Enrolled as a full-time or part-time student in any*  
15           *school in this state for more than fourteen consecutive days or*  
16           *for an aggregate period of more than thirty days in a calendar*  
17           *year. For the purposes of this paragraph, "school" means an*  
18           *educational institution of any description, public or private,*  
19           *wherever located in this state.*

20           *F. Any duty to register under subsection D or E of this*  
21           *section for a juvenile adjudication terminates when the person*  
22           *reaches twenty-five years of age.*

23           *G. The court may order the termination of any duty to*  
24           *register under this section on successful completion of probation*  
25           *if the person was under eighteen years of age when the offense*  
26           *for which the person was convicted was committed.*

27           *H. The court may order the suspension or termination of any*  
28           *duty to register under this section after a hearing held pursuant*  
29           *to section 13-923.*

30           *I. At the time of registering, the person shall sign or*  
31           *affix an electronic fingerprint to a statement giving such*  
32           *information as required by the director of the department of*

1           *public safety, including all names by which the person is known,*  
2           *any required online identifier and the name of any website or*  
3           *internet communication service where the identifier is being*  
4           *used. The sheriff shall fingerprint and photograph the person*  
5           *and within three days thereafter shall send copies of the*  
6           *statement, fingerprints and photographs to the department of*  
7           *public safety and the chief of police, if any, of the place where*  
8           *the person resides. The information that is required by this*  
9           *subsection shall include the physical location of the person's*  
10           *residence and the person's address. If the person has a place of*  
11           *residence that is different from the person's address, the person*  
12           *shall provide the person's address, the physical location of the*  
13           *person's residence and the name of the owner of the residence if*  
14           *the residence is privately owned and not offered for rent or*  
15           *lease. If the person receives mail at a post office box, the*  
16           *person shall provide the location and number of the post office*  
17           *box. If the person does not have an address or a permanent place*  
18           *of residence, the person shall provide a description and physical*  
19           *location of any temporary residence and shall register as a*  
20           *transient not less than every ninety days with the sheriff in*  
21           *whose jurisdiction the transient is physically present.*

22           *J. On the person's initial registration and every year after*  
23           *the person's initial registration, the person shall confirm any*  
24           *required online identifier and the name of any website or*  
25           *internet communication service where the identifier is being used*  
26           *and the person shall obtain a new nonoperating identification*  
27           *license or a driver license from the motor vehicle division in*  
28           *the department of transportation and shall carry a valid*  
29           *nonoperating identification license or a driver license.*  
30           *Notwithstanding sections 28-3165 and 28-3171, the license is*  
31           *valid for one year from the date of issuance, and the person*  
32           *shall submit to the department of transportation proof of the*

1            *person's address and place of residence. The motor vehicle*  
2            *division shall annually update the person's address and*  
3            *photograph and shall make a copy of the photograph available to*  
4            *the department of public safety or to any law enforcement agency.*  
5            *The motor vehicle division shall provide to the department of*  
6            *public safety daily address updates for persons required to*  
7            *register pursuant to this section.*

8            *K. Except as provided in subsection E or L of this section,*  
9            *the clerk of the superior court in the county in which a person*  
10           *has been convicted of a violation of any offense listed under*  
11           *subsection A of this section or has been ordered to register*  
12           *pursuant to subsection C or D of this section shall notify the*  
13           *sheriff in that county of the conviction within ten days after*  
14           *entry of the judgment.*

15           *L. Within ten days after entry of judgment, a court not of*  
16           *record shall notify the arresting law enforcement agency of an*  
17           *offender's conviction of a violation of section 13-1402. Within*  
18           *ten days after receiving this information, the law enforcement*  
19           *agency shall determine if the offender is required to register*  
20           *pursuant to this section. If the law enforcement agency*  
21           *determines that the offender is required to register, the law*  
22           *enforcement agency shall provide the information required by*  
23           *section 13-3825 to the department of public safety and shall make*  
24           *community notification as required by law.*

25           *M. A person who is required to register pursuant to this*  
26           *section because of a conviction for the unlawful imprisonment of*  
27           *a minor or the kidnapping of a minor is required to register,*  
28           *absent additional or subsequent convictions, for a period of ten*  
29           *years from the date that the person is released from prison,*  
30           *jail, probation, community supervision or parole and the person*  
31           *has fulfilled all restitution obligations. Notwithstanding this*  
32           *subsection, a person who has a prior conviction for an offense*

1           for which registration is required pursuant to this section is  
2           required to register for life.

3           N. A person who is required to register pursuant to this  
4           section and who is a student at a public or private institution  
5           of postsecondary education or who is employed, with or without  
6           compensation, at a public or private institution of postsecondary  
7           education or who carries on a vocation at a public or private  
8           institution of postsecondary education shall notify the county  
9           sheriff having jurisdiction of the institution of postsecondary  
10          education. The person **WHO IS** required to register pursuant to  
11          this section shall also notify the sheriff of each change in  
12          enrollment or employment status at the institution.

13          O. At the time of registering, the sheriff shall secure a  
14          sufficient sample of blood or other bodily substances for  
15          deoxyribonucleic acid testing and extraction from a person who  
16          has been convicted of an offense committed in another  
17          jurisdiction that if committed in this state would be a violation  
18          or attempted violation of any of the offenses listed in  
19          subsection A of this section or an offense that was in effect  
20          before September 1, 1978 and that, if committed on or after  
21          September 1, 1978, has the same elements of an offense listed in  
22          subsection A of this section or who is required to register by  
23          the convicting jurisdiction. The sheriff shall transmit the  
24          sample to the department of public safety.

25          P. Any person **WHO IS** required to register under subsection A  
26          of this section shall register the person's required online  
27          identifier and the name of any website or internet communication  
28          service where the identifier is being used or ~~intends to use the~~  
29          **identifier IS INTENDED TO BE USED** with the sheriff from and after  
30          December 31, 2007, regardless of whether the person was required  
31          to register an identifier at the time of the person's initial  
32          registration under this section.

1 Q. ON CONVICTION OF ANY OFFENSE FOR WHICH A PERSON IS  
2 REQUIRED TO REGISTER PURSUANT TO THIS SECTION, IN ADDITION TO ANY  
3 OTHER PENALTY PRESCRIBED BY LAW, THE COURT SHALL ORDER THE PERSON  
4 TO PAY AN ADDITIONAL ASSESSMENT OF TWO HUNDRED FIFTY DOLLARS.  
5 THIS ASSESSMENT IS NOT SUBJECT TO ANY SURCHARGE. THE COURT SHALL  
6 TRANSMIT THE MONIES RECEIVED PURSUANT TO THIS SECTION TO THE  
7 COUNTY TREASURER. THE COUNTY TREASURER SHALL TRANSMIT THE MONIES  
8 RECEIVED TO THE STATE TREASURER. THE STATE TREASURER SHALL  
9 DEPOSIT THE MONIES RECEIVED IN THE SEX OFFENDER MONITORING FUND  
10 ESTABLISHED BY SECTION 13-3828. NOTWITHSTANDING ANY OTHER LAW,  
11 THE COURT SHALL NOT WAIVE THE ASSESSMENT IMPOSED PURSUANT TO THIS  
12 SECTION.

13 ~~Q.~~ R. For the purposes of this section:

14 1. "Address" means the location at which the person receives  
15 mail.

16 2. "Required online identifier" means any electronic e-mail  
17 address information or instant message, chat, social networking  
18 or other similar internet communication name, but does not  
19 include a social security number, date of birth or pin number.

20 3. "Residence" means the person's dwelling place, whether  
21 permanent or temporary."

22 Renumber to conform

23 Page 119, strike lines 6 through 35, insert:

24 "Sec. 94. Section 13-4062, Arizona Revised Statutes, as  
25 amended by Laws 2008, chapter 24, section 3, is amended to read:

26 13-4062. Anti-marital fact privilege: other  
27 privileged communications

28 A person shall not be examined as a witness in the following  
29 cases:

1           1. A husband for or against his wife without her consent,  
2           nor a wife for or against her husband without his consent, as to  
3           events occurring during the marriage, nor can either, during the  
4           marriage or afterwards, without consent of the other, be examined  
5           as to any communication made by one to the other during the  
6           marriage. These exceptions do not apply in a criminal action or  
7           proceeding for a crime committed by the husband against the wife,  
8           or by the wife against the husband, nor in a criminal action or  
9           proceeding against the husband for abandonment, failure to  
10          support or provide for or failure or neglect to furnish the  
11          necessities of life to the wife or the minor children. Either  
12          spouse, at his or her request, but not otherwise, may be examined  
13          as a witness for or against the other in a prosecution for an  
14          offense listed in section ~~13-604~~ 13-706, subsection ~~W~~ F,  
15          paragraph ~~5~~ 1, for bigamy or adultery, committed by either  
16          spouse, or for sexual assault committed by the husband.

17          2. An attorney, without consent of the attorney's client, as  
18          to any communication made by the client to the attorney, or the  
19          attorney's advice given in the course of professional employment.

20          3. A clergyman or priest, without consent of the person  
21          making the confession, as to any confession made to the clergyman  
22          or priest in his professional character in the course of  
23          discipline enjoined by the church to which the clergyman or  
24          priest belongs.

25          4. A physician or surgeon, without consent of the  
26          physician's or surgeon's patient, as to any information acquired  
27          in attending the patient which was necessary to enable the  
28          physician or surgeon to prescribe or act for the patient."

29          Strike page 141

1 Page 142, strike lines 1 through 23, insert:

2 "Sec. 105. Section 31-412, Arizona Revised Statutes, as  
3 amended by Laws 2008, chapter 24, section 4, is amended to read:

4 31-412. Criteria for release on parole; release;  
5 custody of parolee; definition

6 A. If a prisoner is certified as eligible for parole  
7 pursuant to section 41-1604.09 the board of executive clemency  
8 shall authorize the release of the applicant on parole if the  
9 applicant has reached the applicant's earliest parole eligibility  
10 date pursuant to section 41-1604.09, subsection D and it appears  
11 to the board, in its sole discretion, that there is a substantial  
12 probability that the applicant will remain at liberty without  
13 violating the law and that the release is in the best interests  
14 of the state. The applicant shall thereupon be allowed to go on  
15 parole in the legal custody and under the control of the state  
16 department of corrections, until the board revokes the parole or  
17 grants an absolute discharge from parole or until the prisoner  
18 reaches the prisoner's individual earned release credit date  
19 pursuant to section 41-1604.10. When the prisoner reaches the  
20 prisoner's individual earned release credit date the prisoner's  
21 parole shall be terminated and the prisoner shall no longer be  
22 under the authority of the board but shall be subject to  
23 revocation under section 41-1604.10.

24 B. Notwithstanding subsection A of this section, the  
25 director of the state department of corrections may certify as  
26 eligible for parole any prisoner, regardless of the  
27 classification of the prisoner, who has reached the prisoner's  
28 parole eligibility date pursuant to section 41-1604.09,  
29 subsection D, unless an increased term has been imposed pursuant  
30 to section 41-1604.09, subsection F, for the sole purpose of  
31 parole to the custody of any other jurisdiction to serve a term  
32 of imprisonment imposed by the other jurisdiction or to stand

1           *trial on criminal charges in the other jurisdiction or for the*  
2           *sole purpose of parole to the custody of the state department of*  
3           *corrections to serve any consecutive term imposed on the*  
4           *prisoner. On review of an application for parole pursuant to*  
5           *this subsection the board may authorize parole if, in its*  
6           *discretion, parole appears to be in the best interests of the*  
7           *state.*

8           *C. A prisoner who is otherwise eligible for parole, who is*  
9           *not on home arrest or work furlough and who is currently serving*  
10           *a sentence for a conviction of a serious offense or conspiracy to*  
11           *commit or attempt to commit a serious offense shall not be*  
12           *granted parole or absolute discharge from imprisonment except by*  
13           *one of the following votes:*

14           1. *A majority affirmative vote if four or more members*  
15           *consider the action.*

16           2. *A unanimous affirmative vote if three members consider*  
17           *the action.*

18           3. *A unanimous affirmative vote if two members consider the*  
19           *action pursuant to section 31-401, subsection I and the chairman*  
20           *concur after reviewing the information considered by the two*  
21           *members.*

22           *D. The board, as a condition of parole, shall order a*  
23           *prisoner to make any court-ordered restitution.*

24           *E. Payment of restitution by the prisoner in accordance with*  
25           *subsection D of this section shall be made through the clerk of*  
26           *the superior court in the county in which the prisoner was*  
27           *sentenced for the offense for which the prisoner has been*  
28           *imprisoned in the same manner as restitution is paid as a*  
29           *condition of probation. The clerk of the superior court shall*  
30           *report to the board monthly whether or not restitution has been*  
31           *paid for that month by the prisoner.*

1           F. The board shall not disclose the address of the victim or  
2 the victim's immediate family to any party without the written  
3 consent of the victim or the victim's family.

4           G. For the purposes of this section, "serious offense"  
5 includes any of the following:

6           1. A serious offense as defined in section ~~13-604~~ 13-706,  
7 subsection ~~W~~ F, paragraph ~~5~~ 1, subdivision (a), (b), (c), (d),  
8 (e), (g), (h), (i), (j) or (k).

9           2. A dangerous crime against children as defined in section  
10 ~~13-604.01~~ 13-705. The citation of section ~~13-604.01~~ 13-705 is not  
11 a necessary element for a serious offense designation.

12           3. A conviction under a prior criminal code for any offense  
13 that possesses reasonably equivalent offense elements as the  
14 offense elements that are listed under section ~~13-604, subsection~~  
15 ~~W, paragraph 5 and section 13-604.01, subsection N, paragraph 1~~  
16 ~~13-705, SUBSECTION P, PARAGRAPH 1 OR SECTION 13-706, SUBSECTION~~  
17 ~~F, PARAGRAPH 1."~~

18 Page 144, strike lines 30 through 44

19 Strike pages 145 through 148

20 Page 149, strike lines 1 through 39, insert:

21           "Sec. 108. Section 41-1604.11, Arizona Revised Statutes, as  
22 amended by Laws 2008, chapter 24, section 5, is amended to read:

23           41-1604.11. Order for removal; purposes; duration;  
24                                   work furlough; notice; failure to  
25                                   return; classification; applicability;  
26                                   definition

27           A. The director of the state department of corrections may  
28 authorize the temporary removal under custody from prison or any  
29 other institution for the detention of adults under the  
30 jurisdiction of the state department of corrections of any inmate  
31 for the purpose of employing that inmate in any work directly  
32 connected with the administration, management or maintenance of

1           *the prison or institution in which the inmate is confined, for*  
2           *purposes of cooperating voluntarily in medical research that*  
3           *cannot be performed at the prison or institution, or for*  
4           *participating in community action activities directed toward*  
5           *delinquency prevention and community betterment programs. The*  
6           *removal shall not be for a period longer than one day.*

7           *B. Under specific rules established by the director for the*  
8           *selection of inmates, the director may also authorize furlough,*  
9           *temporary removal or temporary release of any inmate for*  
10           *compassionate leave, for the purpose of furnishing to the inmate*  
11           *medical treatment not available at the prison or institution, for*  
12           *purposes preparatory to a return to the community within ninety*  
13           *days of the inmate's release date or for disaster aid, including*  
14           *local mutual aid and state emergencies. When an inmate is*  
15           *temporarily removed or temporarily released for a purpose*  
16           *preparatory to return to the community or for compassionate*  
17           *leave, the director may require the inmate to reimburse the*  
18           *state, in whole or part, for expenses incurred by the state in*  
19           *connection with the temporary removal or release.*

20           *C. The board of executive clemency, under specific rules*  
21           *established for the selection of inmates, if it appears to the*  
22           *board, in its sole discretion, that there is a substantial*  
23           *probability that the inmate will remain at liberty without*  
24           *violating the law and that the release is in the best interests*  
25           *of the state, may authorize the release of an inmate on work*  
26           *furlough if the inmate has served not less than six months of the*  
27           *sentence imposed by the court, is within twelve months of the*  
28           *inmate's parole eligibility date and has not been convicted of a*  
29           *sexual offense. The director shall provide information as the*  
30           *board requests concerning any inmate eligible for release on work*  
31           *furlough. The inmate shall not be released on work furlough*  
32           *unless the release is approved by the board.*

1           D. An inmate who is otherwise eligible for work furlough  
2 pursuant to subsection C of this section, who is not on home  
3 arrest and who is currently serving a sentence for a conviction  
4 of a serious offense or conspiracy to commit or attempt to commit  
5 a serious offense shall not be granted work furlough except by  
6 one of the following votes:

7           1. A majority affirmative vote if four or more members of  
8 the board of executive clemency consider the action.

9           2. A unanimous affirmative vote if three members of the  
10 board of executive clemency consider the action.

11           3. A unanimous affirmative vote if two members of the board  
12 of executive clemency consider the action pursuant to section  
13 31-401, subsection I and the chairman of the board concurs after  
14 reviewing the information considered by the two members.

15           E. Before holding a hearing on the work furlough under  
16 consideration, the board, on request, shall notify and afford an  
17 opportunity to be heard to the presiding judge of the superior  
18 court in the county in which the inmate requesting a work  
19 furlough was sentenced, the prosecuting attorney, the director of  
20 the arresting law enforcement agency and the victim of the  
21 offense for which the inmate is incarcerated. The notice shall  
22 state the name of the inmate requesting the work furlough, the  
23 offense for which the inmate was sentenced, the length of the  
24 sentence and the date of admission to the custody of the state  
25 department of corrections. The notice to the victim shall also  
26 inform the victim of the victim's right to be present and submit  
27 a written report to the board expressing the victim's opinion  
28 concerning the inmate's release. No hearing concerning work  
29 furlough shall be held until fifteen days after the date of  
30 giving the notice. On mailing the notice, the board shall file a  
31 hard copy of the notice as evidence that notification was sent.

1           *F. The board shall require that every inmate released on*  
2 *work furlough comply with the terms and conditions of release as*  
3 *the board may impose, including that the inmate be gainfully*  
4 *employed while on work furlough and that the inmate make*  
5 *restitution to the victim of the offense for which the inmate was*  
6 *incarcerated.*

7           *G. If the board finds that an inmate has failed to comply*  
8 *with the terms and conditions of release or that the best*  
9 *interests of this state would be served by revocation of an*  
10 *inmate's work furlough, the board may issue a warrant for*  
11 *retaking the inmate before the expiration of the inmate's maximum*  
12 *sentence. After return of the inmate, the board may revoke the*  
13 *inmate's work furlough after the inmate has been given an*  
14 *opportunity to be heard.*

15           *H. If the board denies the release of an inmate on work*  
16 *furlough or home arrest, it may prescribe that the inmate not be*  
17 *recommended again for release on work furlough or home arrest for*  
18 *a period of up to one year.*

19           *I. The director shall transmit a monthly report containing*  
20 *the name, date of birth, offense for which the inmate was*  
21 *sentenced, length of the sentence and date of admission to the*  
22 *state department of corrections of each inmate on work furlough*  
23 *or home arrest to the chairperson of the house of representatives*  
24 *judiciary committee or its successor committee and the*  
25 *chairperson of the senate judiciary committee or its successor*  
26 *committee. The director shall also submit a report containing*  
27 *this information for any inmate released on work furlough or home*  
28 *arrest within a jurisdiction to the county attorney, sheriff and*  
29 *chief of police for the jurisdiction in which the inmate is*  
30 *released on work furlough or home arrest.*

1           J. Any inmate who knowingly fails to return from furlough,  
2 home arrest, work furlough or temporary removal or temporary  
3 release granted under this section is guilty of a class 5 felony.

4           K. At any given time if the director declares there is a  
5 shortage of beds available for inmates within the state  
6 department of corrections, the parole eligibility as set forth in  
7 sections 31-411 and 41-1604.09 may be suspended for any inmate  
8 who has served not less than six months of the sentence imposed  
9 by the court, who has not been previously convicted of a felony  
10 and who has been sentenced for a class 4, 5 or 6 felony, not  
11 involving a sexual offense, the use or exhibition of a deadly  
12 weapon or dangerous instrument or the infliction of serious  
13 physical injury pursuant to section ~~13-604~~ 13-704, and the inmate  
14 shall be continuously eligible for parole, home arrest or work  
15 furlough.

16           L. Prisoners who have served at least one calendar year and  
17 who are serving a sentence for conviction of a crime committed on  
18 or after October 1, 1978, under section 13-604, 13-1406, 13-1410,  
19 13-3406, 36-1002.01, 36-1002.02 or 36-1002.03, and who are  
20 sentenced to the custody of the state department of corrections,  
21 may be temporarily released, according to the rules of the  
22 department, at the discretion of the director, one hundred eighty  
23 calendar days prior to expiration of the term imposed and shall  
24 remain under the control of the state department of corrections  
25 until expiration of the maximum sentence specified. If an  
26 offender released under this section or pursuant to section  
27 31-411, subsection B violates the rules, the offender may be  
28 returned to custody and shall be classified to a parole class as  
29 provided by the rules of the department.

30           M. This section applies only to persons who commit felony  
31 offenses before January 1, 1994.



1           3. *Is eligible for work furlough.*

2           4. *Is eligible for parole pursuant to section 31-412,*  
3 *subsection A.*

4           B. *The board of executive clemency shall determine which*  
5 *inmates are released to the home arrest program based on the*  
6 *criteria in subsection A of this section and based on a*  
7 *determination that there is a substantial probability that the*  
8 *inmate will remain at liberty without violating the law and that*  
9 *the release is in the best interests of the state after*  
10 *considering the offense for which the inmate is presently*  
11 *incarcerated, the prior record of the inmate, the conduct of the*  
12 *inmate while incarcerated and any other information concerning*  
13 *the inmate that is in the possession of the state department of*  
14 *corrections, including any presentence report. The board*  
15 *maintains the responsibility of revocation as applicable to all*  
16 *parolees.*

17           C. *An inmate who is otherwise eligible for home arrest, who*  
18 *is not on work furlough and who is currently serving a sentence*  
19 *for a conviction of a serious offense or conspiracy to commit or*  
20 *attempt to commit a serious offense shall not be granted home*  
21 *arrest except by one of the following votes:*

22           1. *A majority affirmative vote if four or more members of*  
23 *the board of executive clemency consider the action.*

24           2. *A unanimous affirmative vote if three members of the*  
25 *board of executive clemency consider the action.*

26           3. *A unanimous affirmative vote if two members of the board*  
27 *of executive clemency consider the action pursuant to section*  
28 *31-401, subsection I and the chairman of the board concurs after*  
29 *reviewing the information considered by the two members.*

30           D. *Home arrest is conditioned on the following:*

31           1. *Active electronic monitoring surveillance for a minimum*  
32 *term of one year or until eligible for general parole.*

1           2. *Participation in gainful employment or other beneficial*  
2 *activities.*

3           3. *Submission to alcohol and drug tests as mandated.*

4           4. *Payment of the electronic monitoring fee in an amount*  
5 *determined by the board of not less than one dollar per day and*  
6 *not more than the total cost of the electronic monitoring unless,*  
7 *after determining the inability of the inmate to pay the fee, the*  
8 *board requires payment of a lesser amount. The fees collected*  
9 *shall be returned to the department's home arrest program to*  
10 *offset operational costs of the program.*

11           5. *Remaining at the inmate's place of residence at all times*  
12 *except for movement out of the residence according to mandated*  
13 *conditions.*

14           6. *Adherence to any other conditions imposed by the court,*  
15 *board of executive clemency or supervising corrections officers.*

16           7. *Compliance with all other conditions of supervision.*

17           E. *Before holding a hearing on home arrest, the board on*  
18 *request shall notify and afford an opportunity to be heard to the*  
19 *presiding judge of the superior court in the county in which the*  
20 *inmate requesting home arrest was sentenced, the prosecuting*  
21 *attorney and the director of the arresting law enforcement*  
22 *agency. The board shall notify the victim of the offense for*  
23 *which the inmate is incarcerated. The notice shall state the*  
24 *name of the inmate requesting home arrest, the offense for which*  
25 *the inmate was sentenced, the length of the sentence and the date*  
26 *of admission to the custody of the state department of*  
27 *corrections. The notice to the victim shall also inform the*  
28 *victim of the victim's right to be present and to submit a*  
29 *written report to the board expressing the victim's opinion*  
30 *concerning the inmate's release. No hearing concerning home*  
31 *arrest may be held until fifteen days after the date of giving*

1           the notice. On mailing the notice, the board shall file a hard  
2           copy of the notice as evidence that notification was sent.

3           F. An inmate who is placed on home arrest is on inmate  
4           status, is subject to all the limitations of rights and movement  
5           and is entitled only to due process rights of return.

6           G. If an inmate violates a condition of home arrest that  
7           poses any threat or danger to the community, or commits an  
8           additional felony offense, the board shall revoke the home arrest  
9           and return the inmate to the custody of the state department of  
10          corrections to complete the term of imprisonment as authorized by  
11          law.

12          H. The ratio of supervising corrections officers to  
13          supervisees in the home arrest program shall be no greater than  
14          one officer for every twenty-five supervisees.

15          I. The board shall determine when the supervisee is eligible  
16          for transfer to the regular parole program pursuant to section  
17          31-411.

18          J. This section applies only to persons who commit felony  
19          offenses before January 1, 1994.

20          K. For the purposes of this section, "serious offense"  
21          includes any of the following:

22           1. A serious offense as defined in section ~~13-604~~ 13-706,  
23           subsection ~~W~~ F, paragraph ~~5-1~~, subdivision (a), (b), (c), (d),  
24           (e), (g), (h), (i), (j) or (k).

25           2. A dangerous crime against children as defined in section  
26           ~~13-604.01~~ 13-705. The citation of section ~~13-604.01~~ 13-705 is not  
27           a necessary element for a serious offense designation.

28           3. A conviction under a prior criminal code for any offense  
29           that possesses reasonably equivalent offense elements as the  
30           offense elements that are listed under section ~~13-604, subsection~~  
31           ~~W, paragraph 5 and section 13-604.01, subsection N, paragraph 1~~

1                   13-705, SUBSECTION P, PARAGRAPH 1 OR SECTION 13-706, SUBSECTION  
2                   F, PARAGRAPH 1."

3                   Page 164, line 22, strike "27" insert "26"; strike "41" insert "40"

4                   Between lines 28 and 29, insert:

5                   "Sec. 119. Intent

6                   By this act, the legislature intends to reorganize title 13,  
7                   chapters 6 and 7, Arizona Revised Statutes, for the purpose of  
8                   simplifying the criminal sentencing laws. This act is not  
9                   intended to make any substantive changes to the criminal  
10                  sentencing laws except for very limited adjustments to the  
11                  sentence length for repetitive offenders to account for combining  
12                  sections 13-604 and 13-702.02, Arizona Revised Statutes, as  
13                  repealed by this act."

14                  ReNUMBER to conform

15                  Page 3, strike line 14

16                  Amend title to conform

2207cg2  
06/16/2008  
1:23 PM  
C: sp