

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

**CHAPTER 52**  
**HOUSE BILL 2374**

AN ACT

AMENDING SECTION 11-361, ARIZONA REVISED STATUTES; RELATING TO THE COUNTY DEFERRED PROSECUTION PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-361, Arizona Revised Statutes, is amended to  
3 read:

4 11-361. Definition of program

5 For the purposes of this article, unless the context otherwise  
6 requires, "program" means a special supervision program in which the county  
7 attorney of a participating county may divert or defer, before a guilty plea  
8 or a trial, the prosecution of a person who is accused of committing a crime,  
9 except that the county attorney may not divert or defer the prosecution of a  
10 person who:

11 1. Has been previously convicted of a ~~felony.~~

12 ~~2. Is accused of committing a felony involving a dangerous offense as~~  
13 ~~defined in section 13-105.~~

14 ~~3. Has previously completed a program established pursuant to this~~  
15 ~~article.~~ SERIOUS OFFENSE AS DEFINED IN SECTION 13-706, AN OFFENSE UNDER TITLE  
16 13, CHAPTER 14, A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 OR A  
17 DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705.

18 2. HAS BEEN CONVICTED THREE OR MORE TIMES OF EITHER:

19 (a) PERSONAL POSSESSION OF A CONTROLLED SUBSTANCE AS DEFINED IN  
20 SECTION 36-2501.

21 (b) PERSONAL POSSESSION OF DRUG PARAPHERNALIA AS DEFINED IN SECTION  
22 13-3415.

APPROVED BY THE GOVERNOR MARCH 20, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2012.