

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-fourth Legislature - First Regular Session

**HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS**

Report of Interim Meeting  
Monday, October 21, 2019  
House Hearing Room 3 -- 10:00 A.M.

Convened 10:09 A.M.  
Recessed  
Reconvened  
Adjourned 11:56 A.M.

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

10-22-19

Members Present

Representative Blackman, Chairman  
Representative Bolding, Jr.  
Representative Bolick  
Representative Espinoza  
Representative Roberts

Members Absent

Representative Toma, Vice-Chairman  
Representative DeGrazia  
Representative Rivero  
Representative Rodriguez

Agenda

Original Agenda – Attachment 1

Committee Attendance

Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Cloves Campbell	Az Commission of African American Affairs	
Jared Keenan	Arizona Attorneys for Criminal Justice	3
Cathryn Whalen	Maricopa County Public Defender's Office	4,5
Andrew LeFevre	Arizona Criminal Justice Commission	6



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Sue Adams, Committee Secretary  
October 22, 2019

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

REVISED - 10/21/19

REVISED - 10/21/19

*Comm. 10:09*  
*Adjourned 11:56*  
REVISED - 10/21/19

Interim agendas can be obtained via the Internet at <http://www.azleg.gov/Interim-Committees>

## ARIZONA HOUSE OF REPRESENTATIVES

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

Date: Monday, October 21, 2019

Time: 10:00 A.M.

→ Place: HHR 3

#### AGENDA

1. Call to Order
2. Presentations:
  - Cloves Campbell - Executive Director, Arizona Commission of African American Affairs
  - Jared Keenan - President, Arizona Attorneys for Criminal Justice
  - Cathryn Whalen - Deputy Director, Maricopa County Public Defender's Office
  - Joe Watson - ~~American Friends Service Committee - Arizona~~
  - Andrew LeFevre - Executive Director, Arizona Criminal Justice Commission
3. Committee Discussion
4. Adjourn

#### Members:

Representative Walter Blackman, Chair  
 Representative Ben Toma, Vice Chair  
 Representative Reginald Bolding, Jr.  
 Representative Shawna Bolick  
 Representative Domingo DeGrazia  
 Representative Diego Espinoza  
 Representative Tony Rivero  
 Representative Bret Roberts  
 Representative Diego Rodriguez

40/17/19  
 40/21/19  
 10/21/19  
 JY  
 KS

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

**ARIZONA STATE LEGISLATURE**  
Fifty-fourth Legislature – First Regular Session

**INTERIM COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

CHAIRMAN: Walter Blackman VICE-CHAIRMAN: Ben Toma

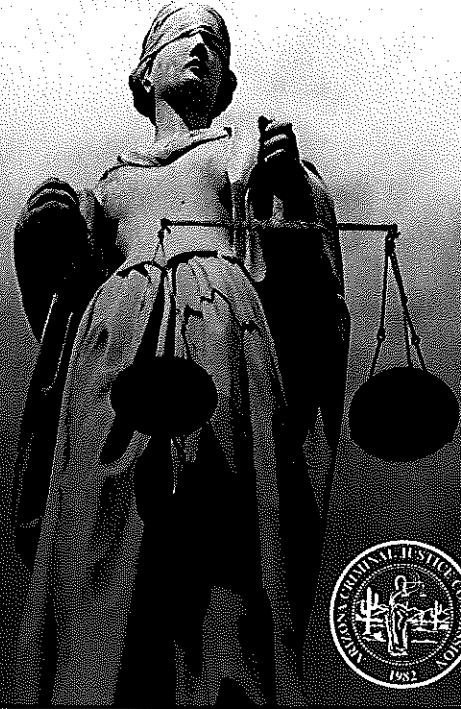
DATE	8/5/19	10/21/19	/19	/19	/19
CONVENED	am	10:09 am			
RECESSED					
RECONVENED					
ADJOURNED		11:56 am			
MEMBERS					
Representative Reginald Bolding, Jr		✓			
Representative Shawna Bolick		✓			
Representative Domingo DeGrazia		EXC			
Representative Diego Espinoza		✓			
Representative Tony Rivero		EXC			
Representative Bret Roberts		✓			
Representative Diego Rodriguez		EXC			
Ben Toma, Vice-Chairman		EXC			
Walter Blackman, Chairman		✓			

✓ Present      --- Absent      exc Excused

# Arizona Criminal Justice Commission

Ad Hoc Committee on Earned Release Credits

*October 21, 2019*



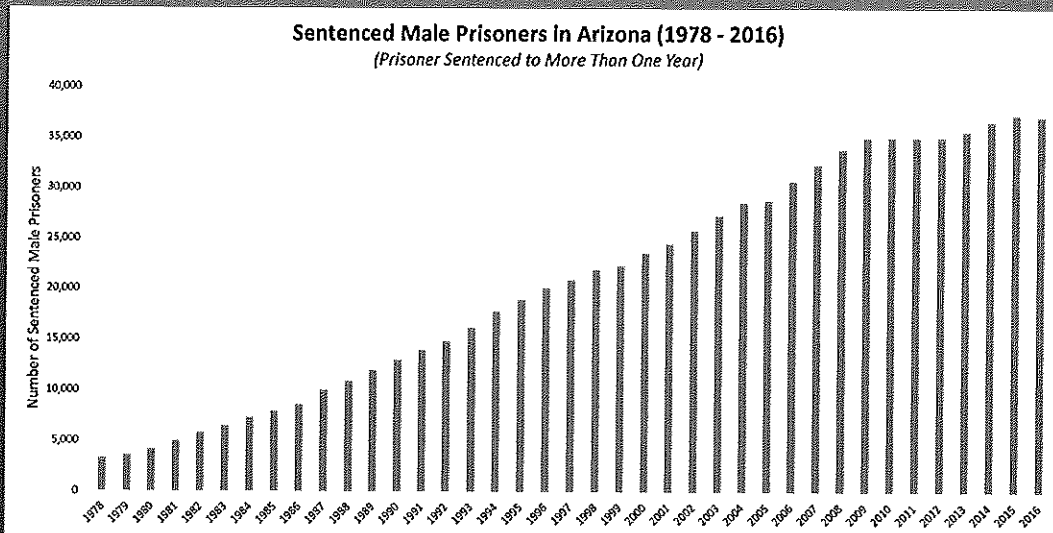
## Data Source

Federal United States Department of Justice,  
Bureau of Justice Statistics

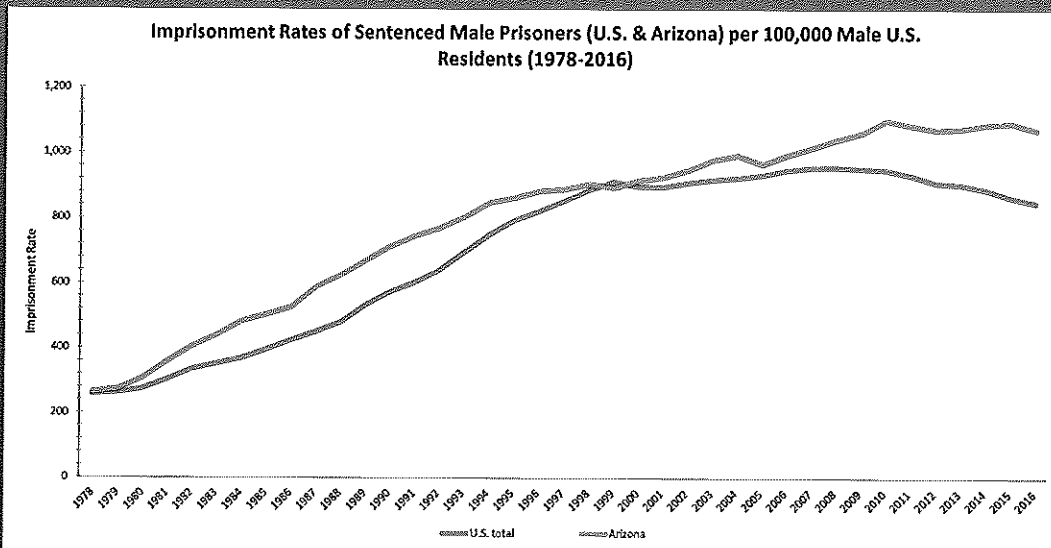
— Corrections Statistical Analysis Tool (CSAT) - Prisoners  
- [www.bjs.gov](http://www.bjs.gov)



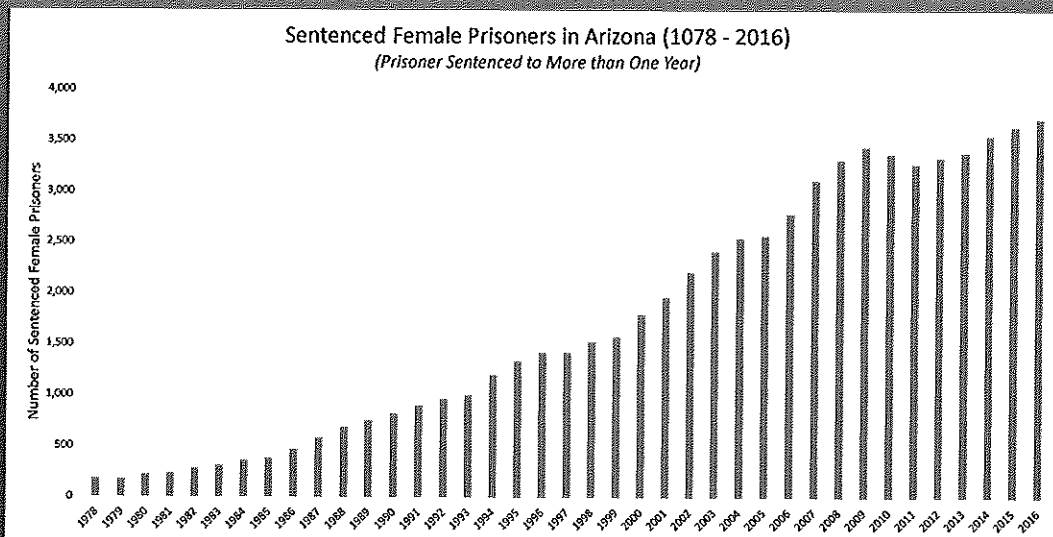
## Number of Sentenced Male Prisoners in Arizona (1978 – 2016)



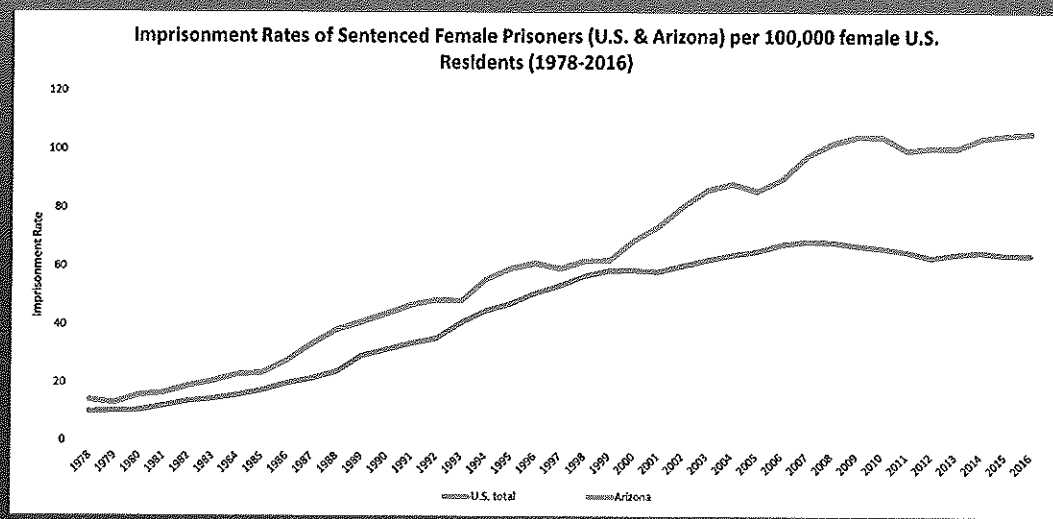
## Arizona Male Imprisonment Rates – Per 100,000 (1978 – 2016)



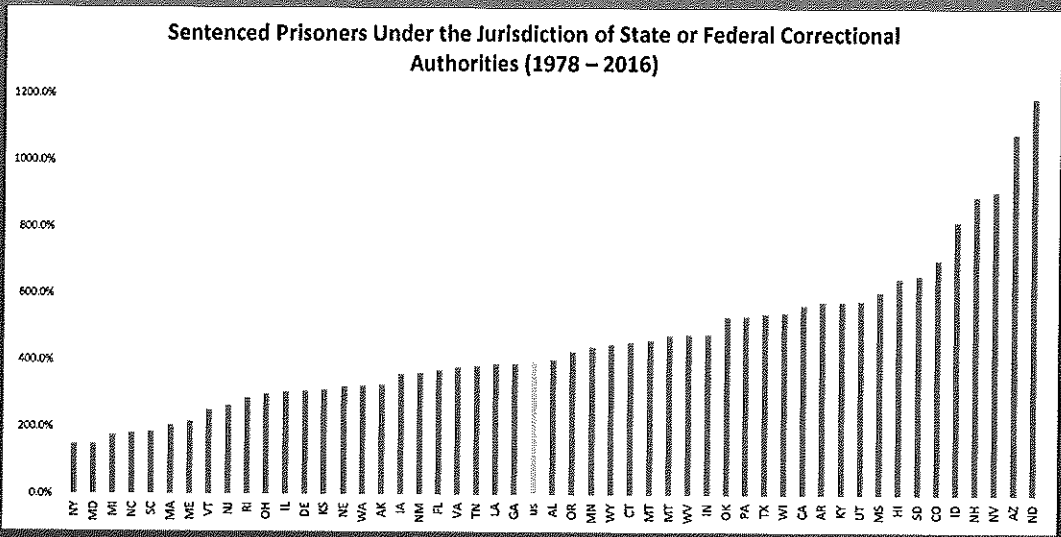
## Number of Sentenced Female Prisoners in Arizona (1978 – 2016)



## Arizona Female Imprisonment Rates – Per 100,000 (1978 – 2016)



# Change is State Prison Population (1978 – 2016)



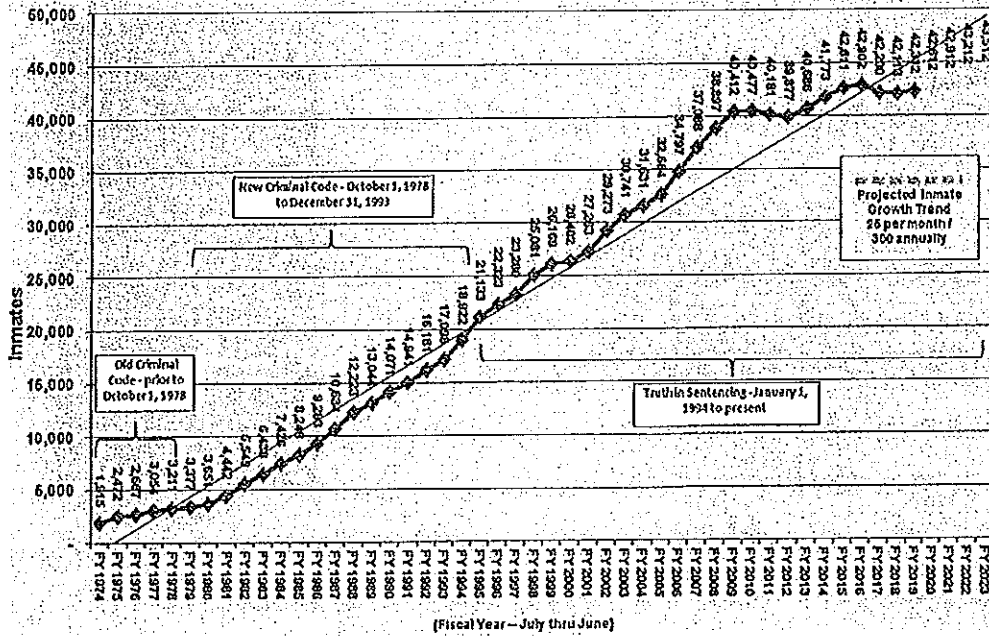
To review data and reports prepared by the Arizona Criminal Justice Commission, please visit –

[www.azcjc.gov](http://www.azcjc.gov)



# 1. What are the rates of imprisonment in the last forty years?

## Arizona Department of Corrections Annual Inmate Growth FY 1974 through FY 2023

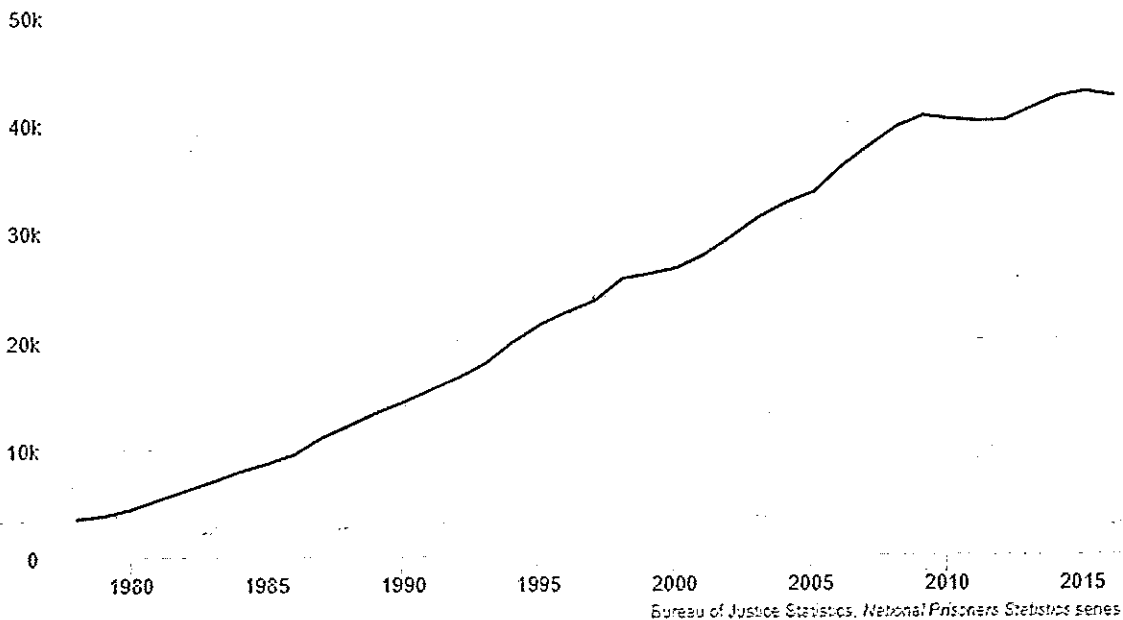


Prepared By: Bureau of Planning, Budget and Research  
Date Updated: August 21, 2019

Ariz. Criminal Justice Comm'n, Committee on Criminal Justice Reform -- Hearing on Data Sources (Sept. 25, 2019).

**Arizona's prison population is more than 12 times larger today than it was 40 years ago.**

Arizona Jurisdiction Prison Population, 1978-2016

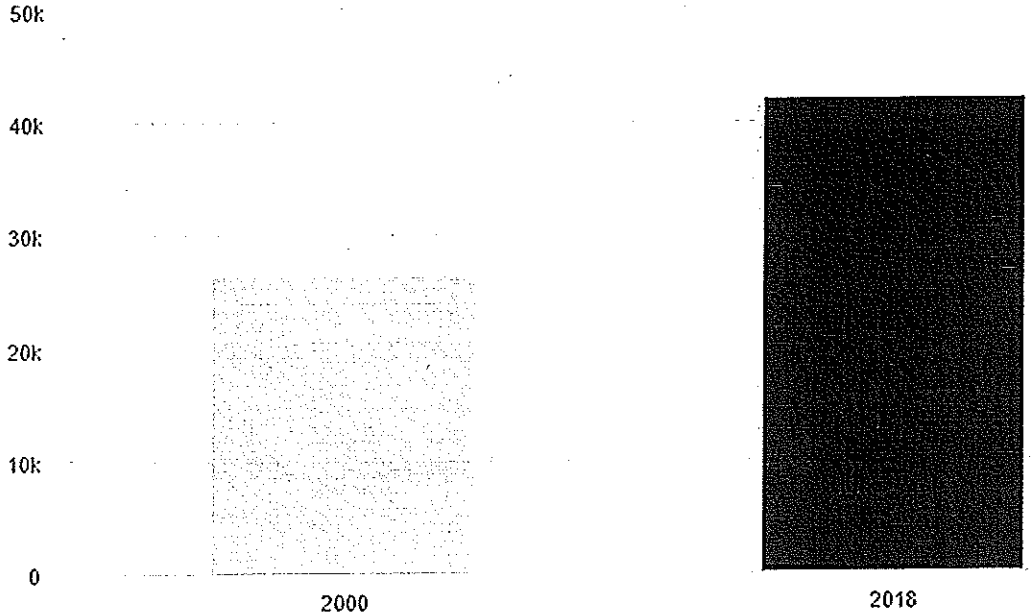


Arizona's Imprisonment Crisis: Part 1: The High Price of Prison Growth, fwd.us 2 (Sept. 2018), available at: <https://36shg3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2018/09/The-High-Price-of-Prison->



Since 2000, Arizona's prison population has grown by more than **15,000 people** — a **60 percent increase**.

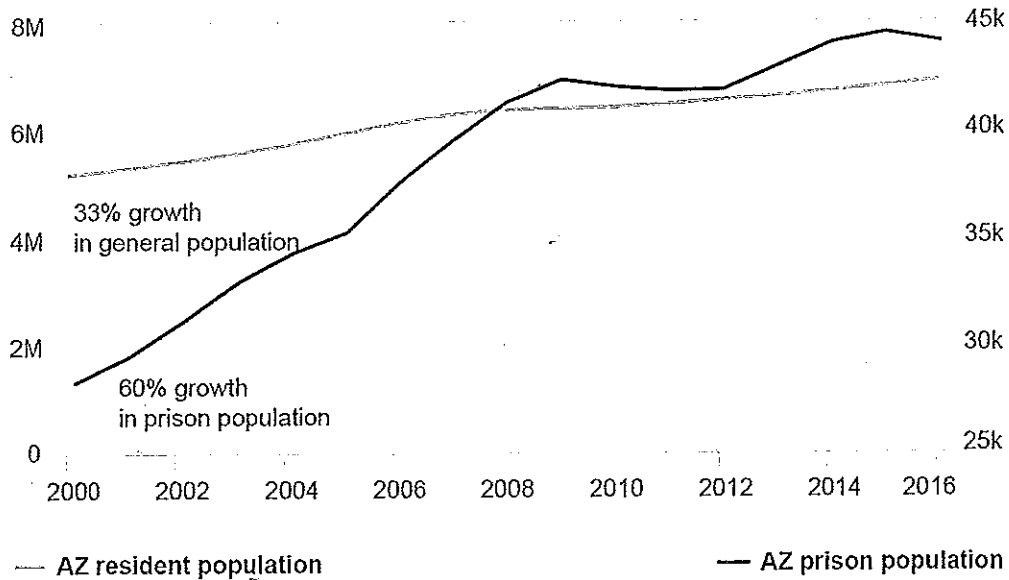
Arizona State Prison Population, 2000 vs. 2018



Bureau of Justice Statistics, National Prisoners Statistics series; Arizona Department of Corrections FY2018 Inmate Population Fact Sheet

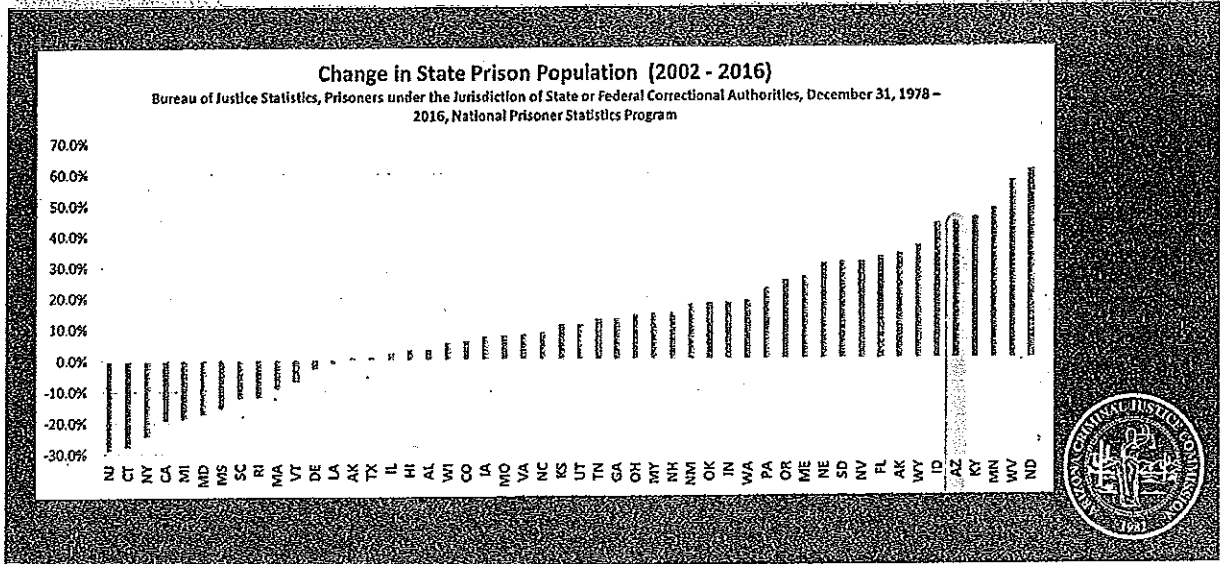
**Growth in the prison population since 2000 has outpaced growth in the resident population.**

Arizona Prison Population vs. General Population, 2000 - 2016



Source: United States Census Bureau, U.S. Census Bureau QuickFacts: Arizona series

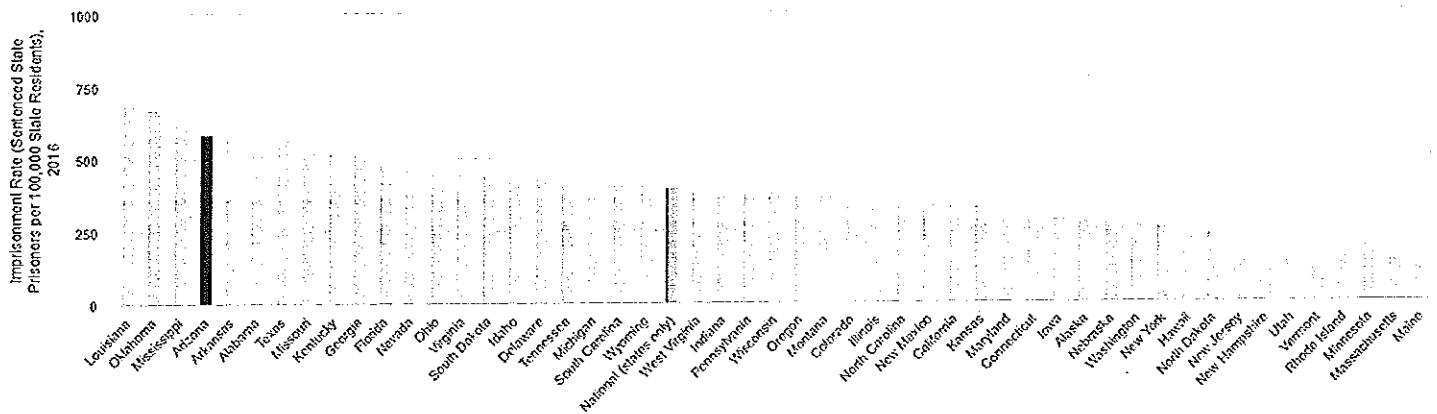
# Bureau of Justice Statistics (BJS)



Ariz. Criminal Justice Comm'n, Committee on Criminal Justice Reform – Hearing on Data Sources (Sept. 25, 2019).

## Today, Arizona has the fourth highest imprisonment rate in the United States.

State Imprisonment Rates (Sentenced State Prisoners per 100,000 State Residents), 2016



Bureau of Justice Statistics, Prisoners in 2016

Arizona's Imprisonment Crisis: Part 1: The High Price of Prison Growth, fwd.us 3 (Sept. 2018), available at: <https://36shgf3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2018/09/The-High-Price-of-Prison-Growth.pdf>.

Based on the most recently available national data (2016), Arizona has the fourth highest imprisonment rate in the United States, at 589 per 100,000 compared to a national state imprisonment rate of 397 per 100,000.<sup>3</sup> In 2017, 41,964 people were imprisoned in Arizona – more than nine times greater than the state’s prison population in 1980.<sup>4</sup>

Between 2000 and 2016, Arizona’s per capita imprisonment rate increased by 20 percent.<sup>5</sup> Due to this increase, the state’s prison population rose to 42,902 in 2016, before declining slightly in 2017. During this period, the national state imprisonment rate per capita declined by 7 percent. Without reform, the Arizona Department of Corrections projects that the state’s prison population will continue to increase in coming years.<sup>6</sup>

**AT A GLANCE**

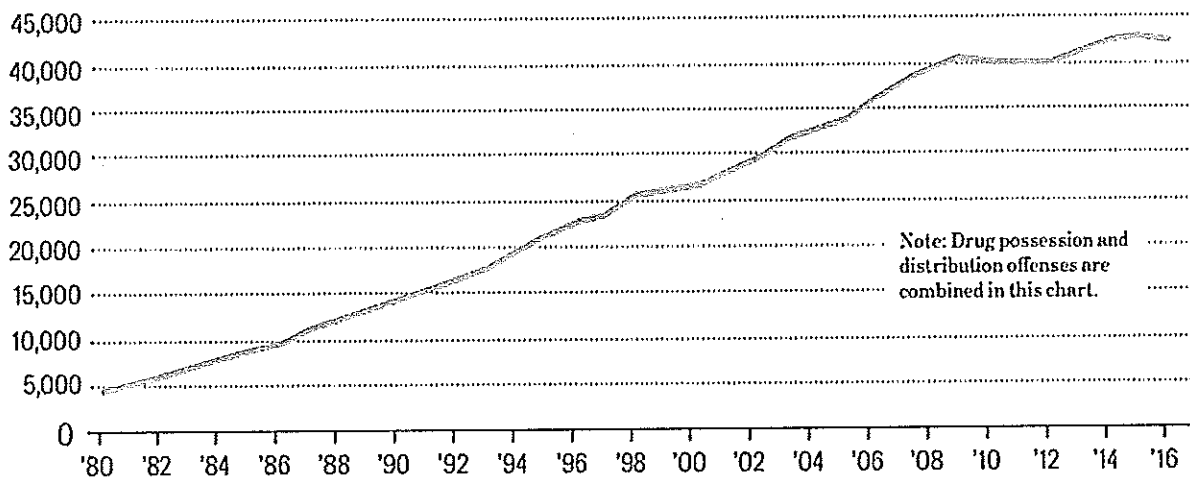
## ARIZONA PRISONS

Arizona has the fourth highest per-capita imprisonment rate in the country.

41,964 people were imprisoned in Arizona in 2017.

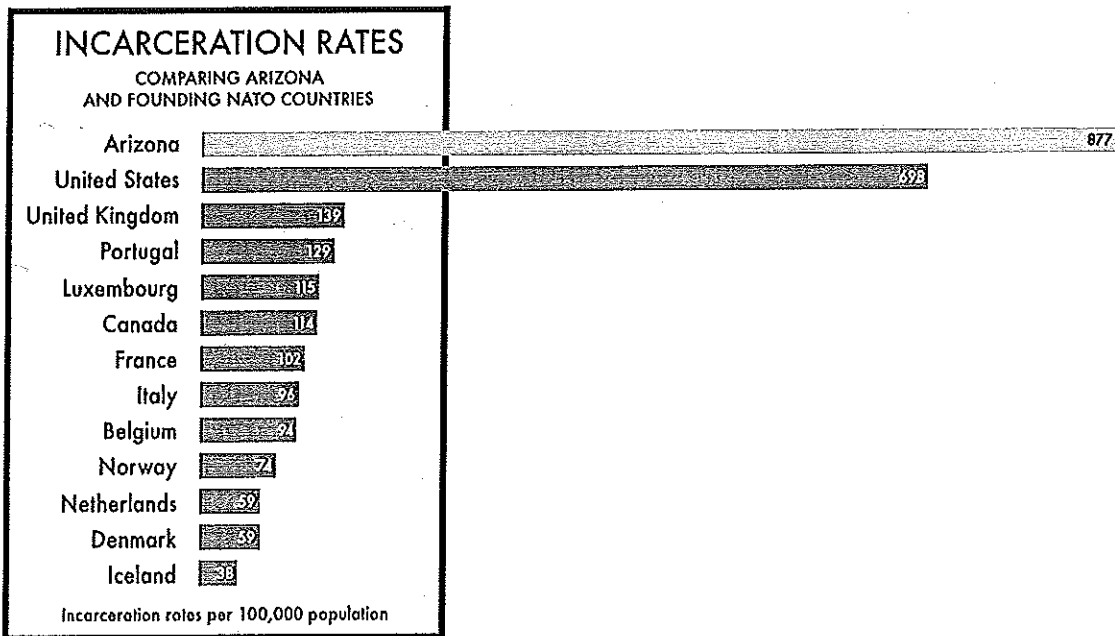
Arizona’s per capita imprisonment rate rose 20 percent between 2000 and 2016.

## ARIZONA PRISON POPULATION



Blueprint for Smart Justice: Arizona, ACLU.org 6 (2018), available at: <https://50stateblueprint.aclu.org/assets/reports/SJ-Blueprint-AZ.pdf>.

Today, Arizona's incarceration rates stand out internationally

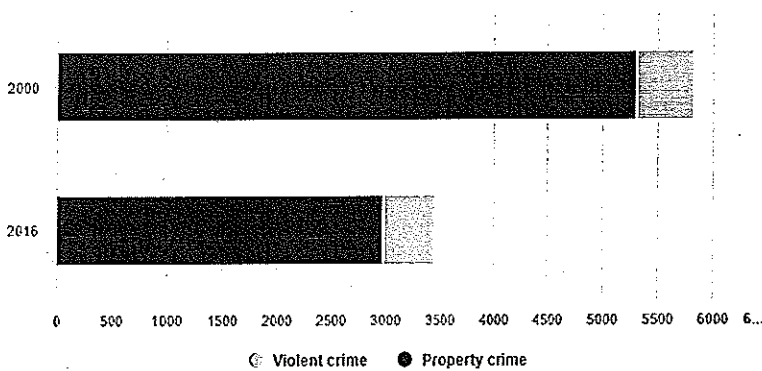


Source: <https://www.prisonspolicy.org/global/2018.html>

*In the U.S., incarceration extends beyond prisons and local jails to include other systems of confinement. The U.S. and state incarceration rates in this graph include people held by these other parts of the justice system, so they may be slightly higher than the commonly reported incarceration rates that only include prisons and jails. Details on the data are available in States of Incarceration: The Global Context. We also have a version of this graph focusing on the incarceration of women.*

### Arizona's prison population and imprisonment rate have grown during a period of declining crime.

Arizona Reported Violent and Property Crime Rate per 100,000 Residents, 2000 vs. 2016



Federal Bureau of Investigation, Uniform Crime Reports

Arizona's prison population and imprisonment rate have grown during a period of declining crime. Since 2000, the property crime rate in Arizona is down 44 percent and the violent crime rate is down 12 percent.

Arizona's Imprisonment Crisis: Part 1: The High Price of Prison Growth, fwd.us 7 (Sept. 2018), available at: <https://36shgf3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2018/09/The-High-Price-of-Prison-Growth.pdf>.

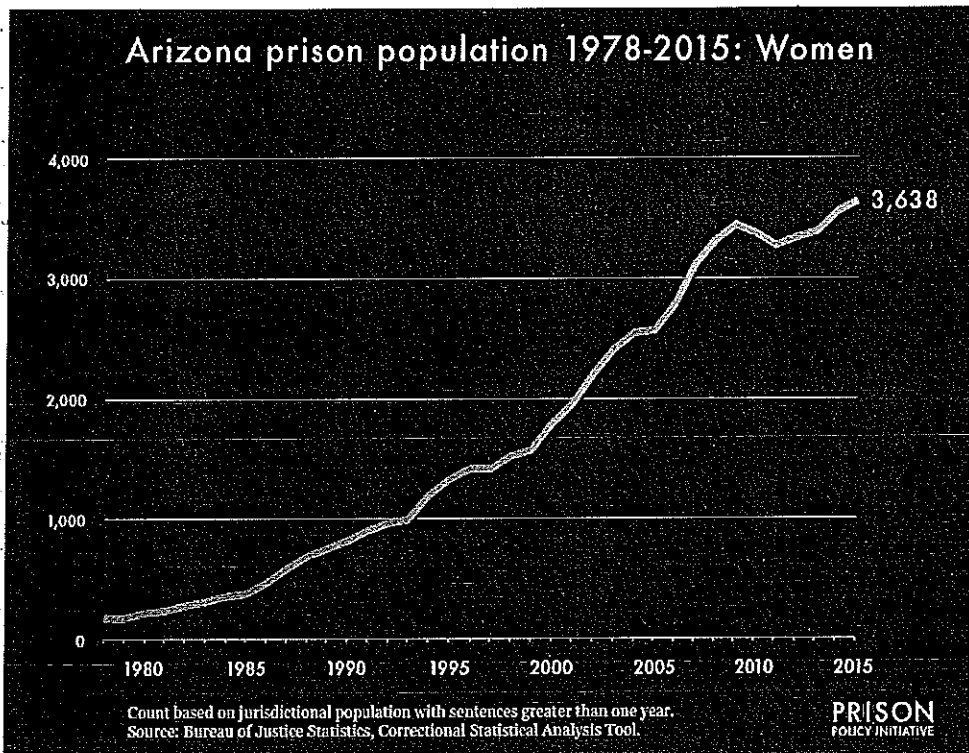
## 2. Prison Incarceration Rates by Gender

CITIZENSHIP / GENDER DISTRIBUTION				
	MALE	FEMALE	TOTAL	%
US Citizens	35,051	4,251	39,302	92.4%
Crim Aliens	3,120	126	3,246	7.6%
<b>TOTAL</b>	<b>38,171</b>	<b>4,377</b>	<b>42,548</b>	<b>100.0%</b>
<b>%</b>	<b>89.7%</b>	<b>10.3%</b>		<b>100.0%</b>

The Arizona Department of Corrections, *Corrections at a Glance: September 2019*, corrections.az.gov (Sept. 2019),

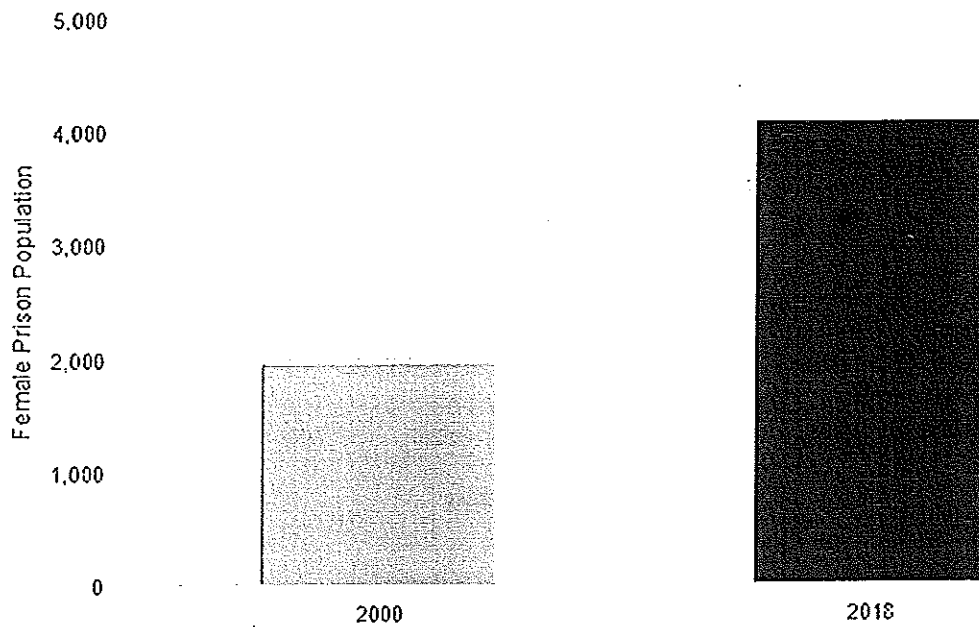


Prison Policy Initiative, *The Gender Divide: Tracking Women's State Prison Growth*, prisonpolicy.org (Jan. 2018), [https://www.prisonpolicy.org/reports/women\\_overtime.html](https://www.prisonpolicy.org/reports/women_overtime.html).



# The number of women in prison in Arizona has more than doubled since 2000.

Female Prison Population, 2000 vs. 2018

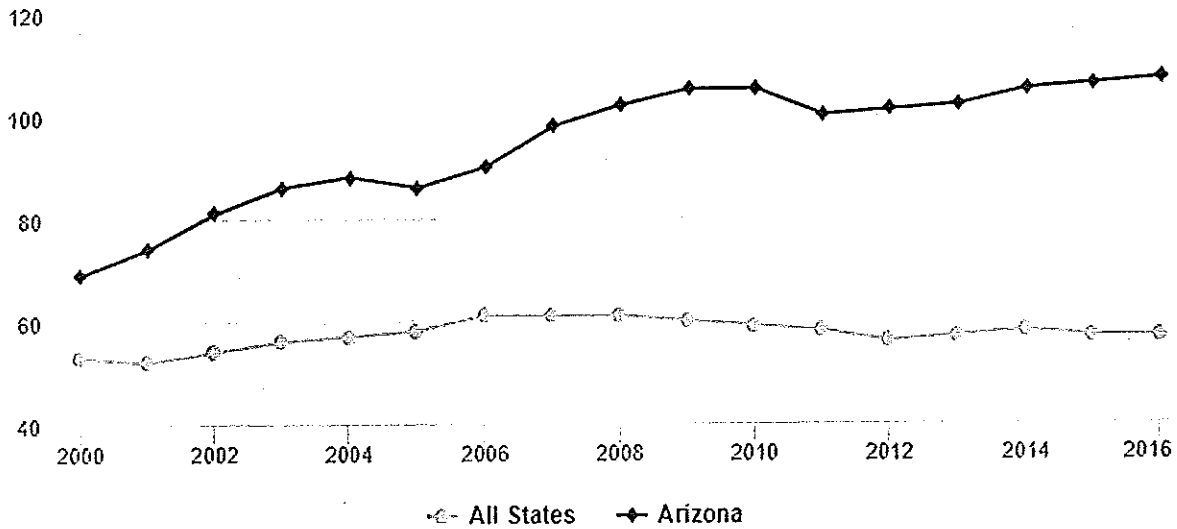


Bureau of Justice Statistics, National Prisoners Statistics series; Arizona Department of Corrections FY2018 Inmate Population Fact Sheet

*Arizona's Imprisonment Crisis: The Harm to Women and Families*, fwd.us (Dec. 2018), available at: <https://www.fwd.us/news/arizona-imprisonment-crisis-part-3/>.

**Arizona's female imprisonment rate has continued to grow even as the national rate leveled off.**

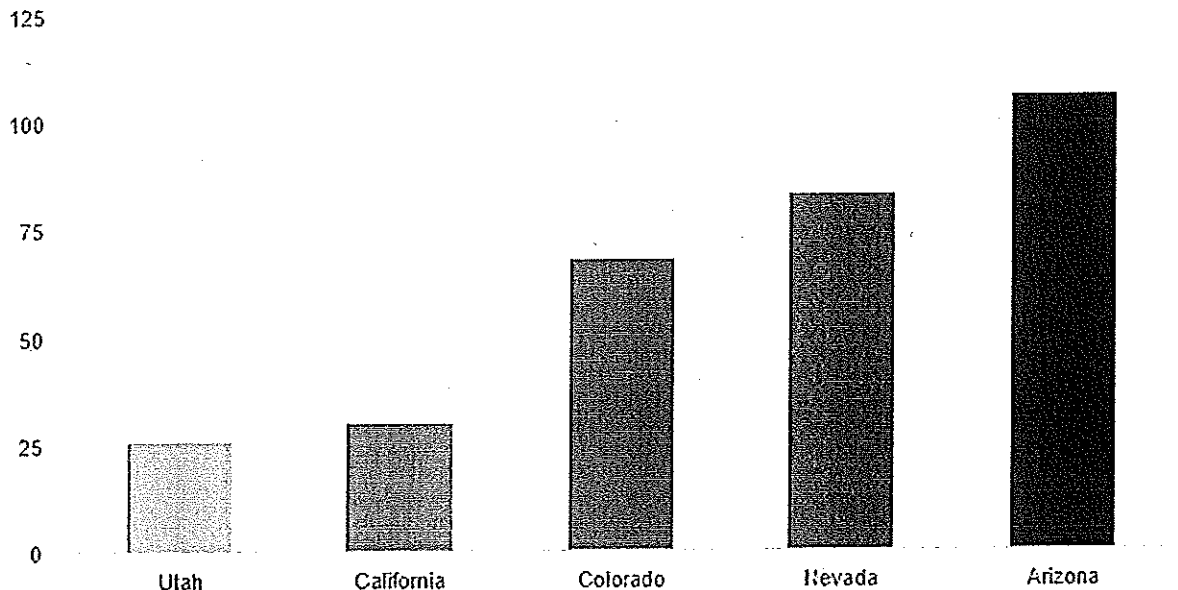
Female Imprisonment Rates (Sentenced Women Prisoners Per 100,000 Residents), Arizona vs. National State Average, 2000-2016



Bureau of Justice Statistics, National Prisoners Statistics series

**Arizona imprisons four times as many women per capita as Utah, though the states have similar crime rates.**

Arizona vs. Neighboring State Female Imprisonment Rates (Sentenced Women Prisoners Per 100,000 Residents), 2016

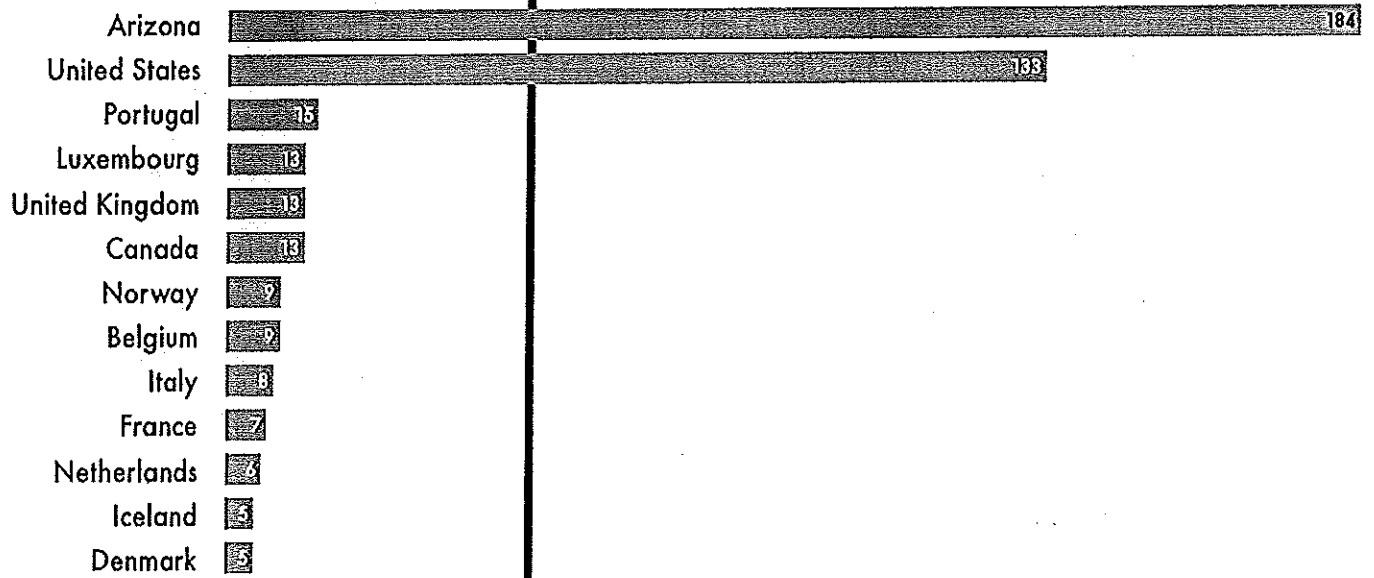


Bureau of Justice Statistics, National Prisoners Statistics series

Arizona's Imprisonment Crisis: The Harm to Women and Families, fwd.us (Dec. 2018), available at: <https://www.fwd.us/news/arizona-imprisonment-crisis-part-3/>.

# WOMEN'S INCARCERATION

COMPARING ARIZONA  
AND FOUNDING NATO COUNTRIES

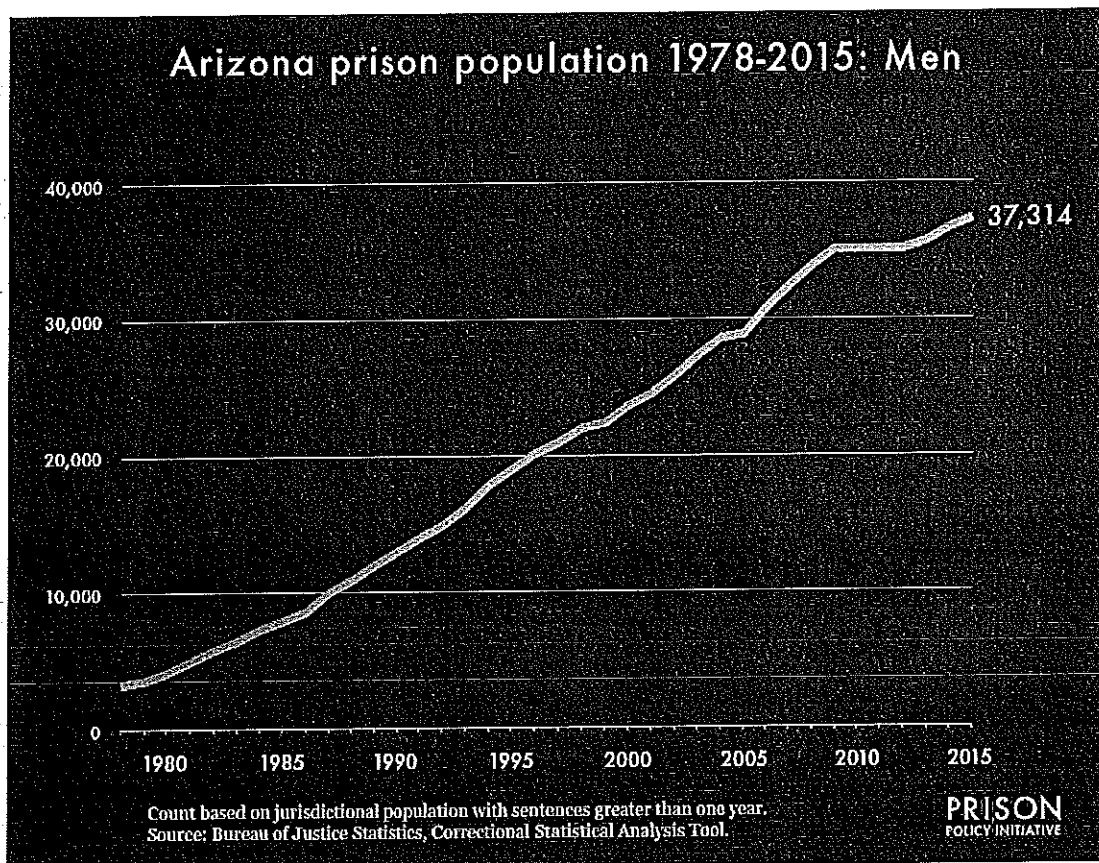
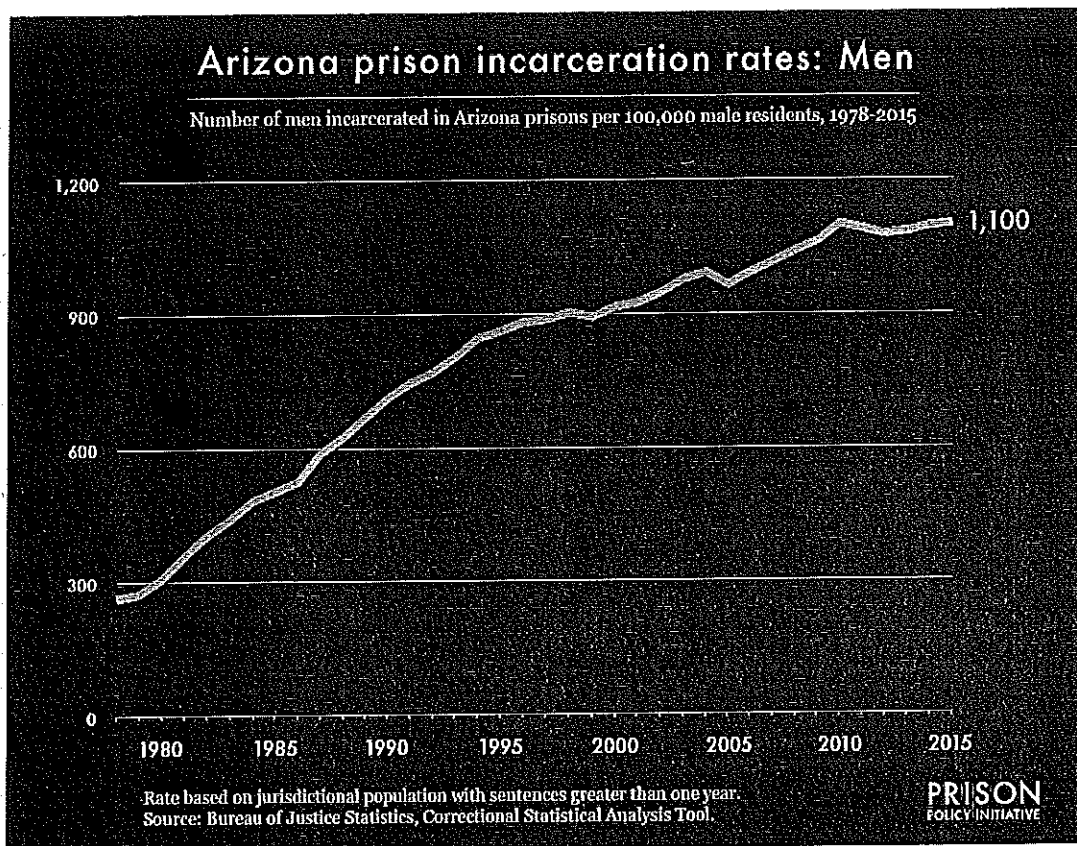


Incarceration rates per 100,000 women

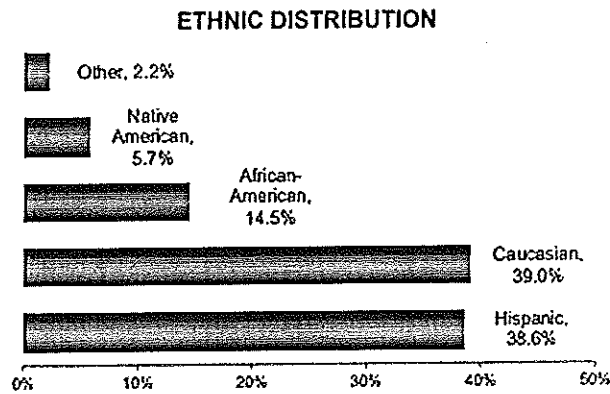
Source: <https://prisonpolicy.org/global/women/2018.html>

Prison Policy Initiative, *States of Women's Incarceration: The Global Context*, prisonpolicy.org (June 2018), [https://www.prisonpolicy.org/graphs/NATO2018/AZ\\_women.html](https://www.prisonpolicy.org/graphs/NATO2018/AZ_women.html).





### 3. Overrepresentation of People of Color in Prison

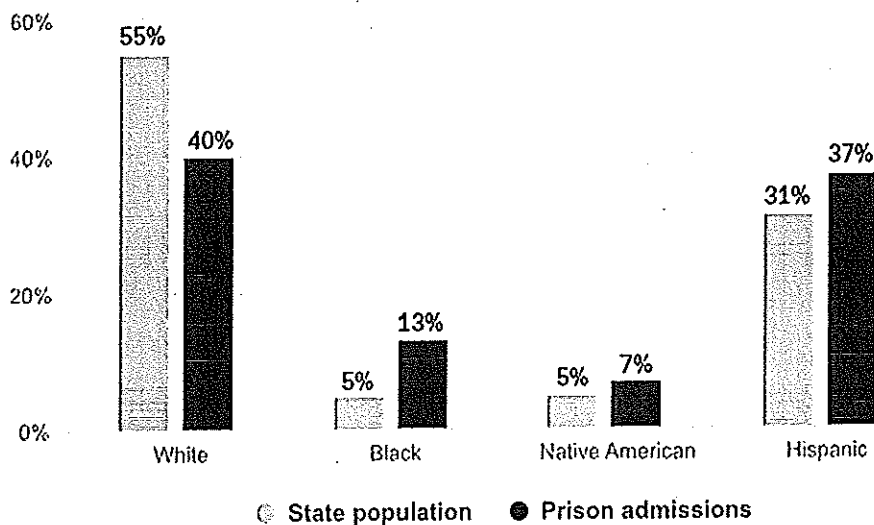


The Arizona Department of Corrections, *Corrections at a Glance: September 2019*, corrections.az.gov (Sept. 2019), <https://corrections.az.gov/sites/default/files/REPORTS/CAG/2019/cagsep19.pdf>.

In 2017, Hispanic people comprised 31 percent of Arizona's state population but 37 percent of people admitted to prison. Black people were over-represented at an even higher rate, comprising five percent of the state population but 13 percent of prison admissions. According to these state prison figures, the percentage of Native Americans admitted to prison is roughly equivalent with the number of Native Americans in the state general population. However, these numbers likely do not represent the full range of Native American incarceration in Arizona since crimes committed on reservation land would likely be prosecuted and incarcerated under tribal or federal jurisdiction.

#### Hispanic and black people are disproportionately represented in Arizona's prison admissions.

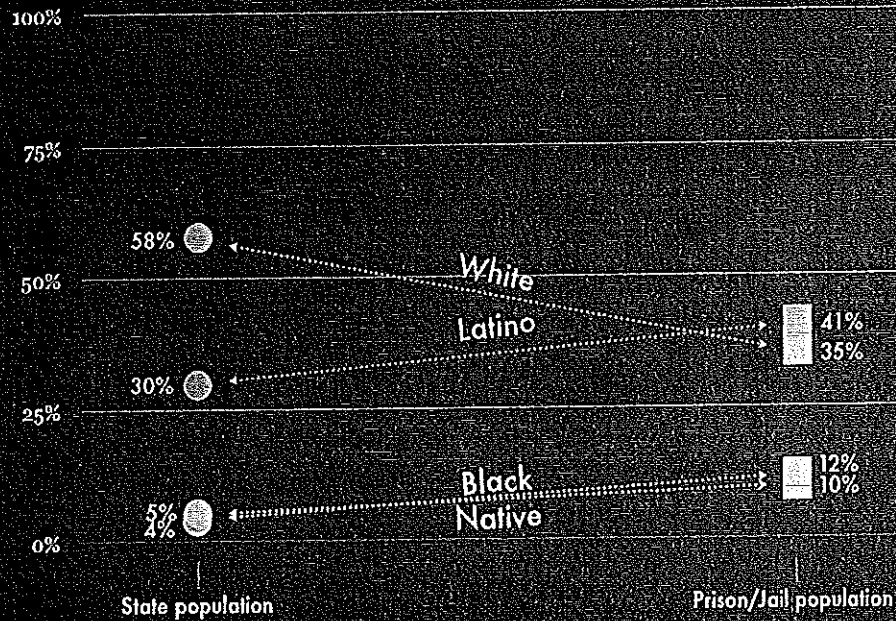
Arizona Prison Admissions vs. Arizona State Population, by Race and Ethnicity, FY2017



Source: Census Bureau, Population Estimates July 1, 2017

## Racial and ethnic disparities in prisons and jails in Arizona

Whites are underrepresented in the incarcerated population while Blacks, Latinos and American Indians are overrepresented.

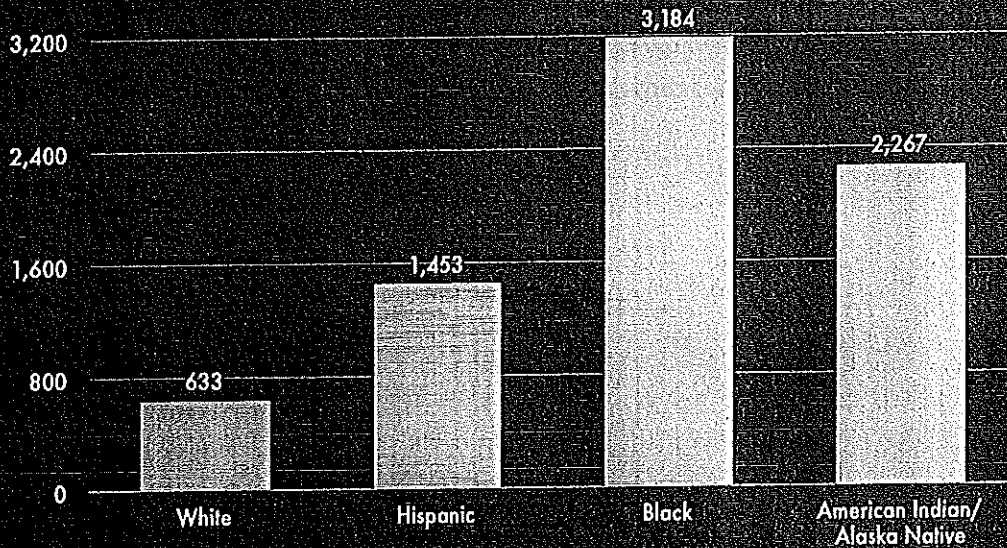


PRISON  
POLICY INITIATIVE

Compiled from 2010 Census, Summary File 1.

## ARIZONA INCARCERATION RATES BY RACE/ETHNICITY, 2010

(Number of people incarcerated per 100,000 people in that racial/ethnic group)



PRISON  
POLICY INITIATIVE

Source: Calculated from U.S. Census 2010 Summary File 1. Incarceration populations are all types of correctional facilities in a state, including federal and state prisons, local jails, halfway houses, etc. Statistics for Whites are for Non-Hispanic Whites.

## Who Is Imprisoned

**Latino Arizonans:** In Arizona, mass incarceration has an enormous impact on people of color, especially Latinos. According to the most recently available national data (2014), Arizona has the highest rate of imprisoned Latinos in the country.<sup>17</sup> One in 40 adult Latino men in Arizona was in prison as of 2016, accounting for 40 percent of the prison population.<sup>18</sup> Latinos account for 27 percent of the overall state population.<sup>19</sup>

**Black Arizonans:** Black people are also disproportionately imprisoned. As of 2016, 1 in 19 black men in Arizona was imprisoned, making up 14 percent of the prison population. Black people constitute only 4 percent of the total state population in Arizona. In 2014, the Black imprisonment rate in Arizona was the sixth highest in the country.<sup>20</sup>

**Female Arizonans:** The female prison population has grown at nearly three times the rate of the male prison population over the past five years, a trend that has necessitated an increase in beds at women's prisons and raised concerns about prison capacity.<sup>21</sup> The imprisonment rate for women in Arizona in 2016 (106 per 100,000 residents) was almost twice the national state imprisonment rate for women (57 per 100,000 residents). In 2016, Arizona had the sixth highest imprisonment rate for women of any state.<sup>22</sup>

AT A GLANCE

## DEMOGRAPHICS

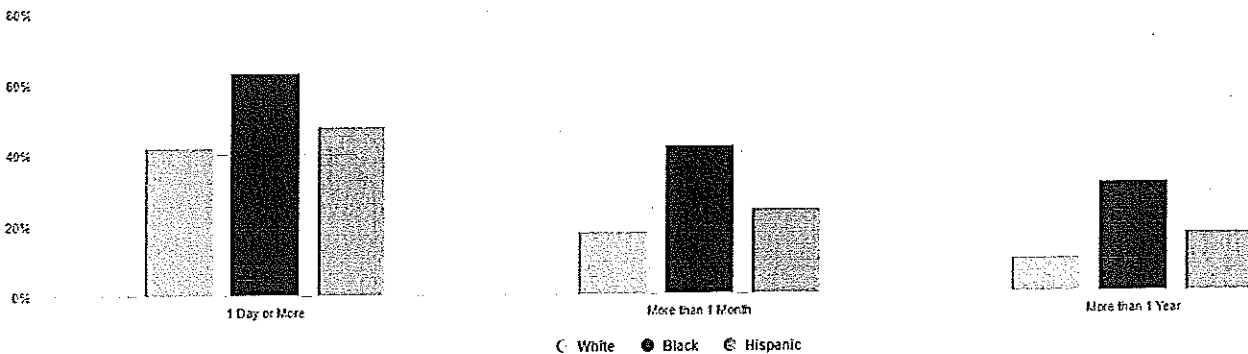
Arizona has the **highest Latino imprisonment rate in the country.**

Black men made up **14 percent** of the Arizona prison population in 2016, even though Black people constitute only 4 percent of the total state population.

The percentage of incarcerated individuals older than 55 years rose **65 percent** over the last eight years.

*Blueprint for Smart Justice: Arizona*, ACLU.org 8-9 (2018), available at: <https://50stateblueprint.aclu.org/assets/reports/SJ-Blueprint-AZ.pdf>.

**Familial incarceration more common among Black, Hispanic adults.**  
Percent of People who Have Had an Immediate Family Member Incarcerated, by Race and Ethnicity



PWC vs. Every. Second: The Impact of Incarceration on Families in America

*Arizona's Imprisonment Crisis: The Harm to Women and Families*, fwd.us (Dec. 2018), available at: <https://www.fwd.us/news/arizona-imprisonment-crisis-part-3/>.

NON-DANGEROUS, FIRST FELONY OFFENSE - § 13-702(D) & § 13-703(A)						§ 13-902(A)
CLASS	MIT.	MIN.	P	MAX.*	AGG.*	MAX. PROBATION**
2	3	4	5	10	12.5	7
3	2	2.5	3.5	7	8.75	5
4	1	1.5	2.5	3	3.75	4
5	.5	.75	1.5	2	2.5	3
6	.33 <sup>A</sup>	.5 <sup>A</sup>	1 <sup>A</sup>	1.5 <sup>A</sup>	2 <sup>A</sup>	3

\* JURY MUST FIND 1 AGGRAVATOR B.R.D. TO SENTENCE OVER PRESUMPTIVE & 2 AGGRAVATORS TO SENTENCE OVER MAX. 13-702(C).

\*\* CAN GET 5 MORE YEARS PROBATION ON FELONY OR 2 YEARS ON MISDEMEANOR IF RESTITUTION NOT PAID BY PROBATION END 13-902(C).

CAN GET 10 YEARS PROBATION FOR AGGRAVATED DUI §28-1383. CAN GET 5 YEARS PROBATION FOR DUI 28-1381 OR EXTREME DUI 28-1382.

CAN GET LIFETIME PROBATION FOR SEX OFFENSE CH 14 OR 35.1, TERRORISM, STALKING, CHILD OR ADULT ABUSE 13-902(E); FAILURE TO REGISTER 13-902(F).

<sup>A</sup>JUDGE MAY DESIGNATE NON-DANGEROUS F6 TO M IF DEFENDANT HAS 0 OR 1 PRIOR FELONIES. A.R.S. § 13-604(A)

PROBATION ELIGIBLE, 12 MO. JAIL POSSIBLE AS A TERM OF PROBATION

MISDEMEANOR OFFENSES - § 13-707			
CLASS	MAX. JAIL	MAX. PROBATION**	MAX. FINES FOR IND.
1	6 MO.	3 YR.	\$2,500
2	4 MO.	2 YR.	\$750
3	1 MO.	1 YR.	\$500

NON-DANGEROUS, REPETITIVE FELONY OFFENSES															
CLASS	CATEGORY 1 - § 13-703(A), (H)					CATEGORY 2 - § 13-703(A), (B), (I)					CATEGORY 3 - § 13-703(C), (J)				
	MIT.	MIN.	P	MAX.*	AGG.*	MIT.	MIN.	P	MAX.*	AGG.*	MIT.	MIN.	P	MAX.*	AGG.*
	1 NON-HISTORICAL PRIOR; OR 2 <sup>ND</sup> OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE					1 HISTORICAL PRIOR; OR 2+ NON-HISTORICAL PRIORS; OR 3+ OFFENSES IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE					2+ HISTORICAL PRIORS				
2	3	4	5	10	12.5	4.5	6	9.25	18.5	23	10.5	14	15.75	28	35
3	2	2.5	3.5	7	8.75	3.25	4.5	6.5	13	16.25	7.5	10	11.25	20	25
4	1	1.5	2.5	3	3.75	2.25	3	4.5	6	7.5	6	8	10	12	15
5	.5	.75	1.5	2	2.5	1	1.5	2.25	3	3.75	3	4	5	6	7.5
6	.25 <sup>A</sup>	.5 <sup>A</sup>	1 <sup>A</sup>	1.5 <sup>A</sup>	2 <sup>A</sup>	.75 <sup>A</sup>	1 <sup>A</sup>	1.75 <sup>A</sup>	2.25 <sup>A</sup>	2.75 <sup>A</sup>	2.25	3	3.75	4.5	5.75

\* JURY MUST FIND 1 AGGRAVATOR B.R.D. TO SENTENCE OVER PRESUMPTIVE, & 2 AGGRAVATORS TO SENTENCE OVER MAX. A.R.S. § 13-703(K)

<sup>A</sup>JUDGE MAY DESIGNATE NON-DANGEROUS F6 TO M IF DEFENDANT HAS 0 OR 1 PRIOR FELONIES. A.R.S. § 13-604(A)

DANGEROUS OFFENSES - § 13-704									
"DANGEROUS" - INVOLVING DISCHARGE, USE OR THREATENING EXHIBITION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT OR INTENTIONAL/KNOWING INFLECTION OF SERIOUS PHYS. INJURY. § 13-105(13).									
CLASS	FIRST DANGEROUS FELONY OFFENSE § 13-704(A)			ONE HISTORICAL DANGEROUS PRIOR § 13-704(B), (D)**			TWO HISTORICAL DANGEROUS PRIORS § 13-704(C), (E)***		
	MIN.	P	MAX.	MIN.	P	MAX.	MIN.	P	MAX.
2	7	10.5	21	14	15.75	28	21	28	35
3	5	7.5	15	10	11.25	20	15	20	25
4	4	6	8	8	10	12	12	14	16
5	2	3	4	4	5	6	6	7	8
6	1.5	2.25	3	3	3.75	4.5	4.5	5.25	6

\*\* FOR F2 & F3, DANGEROUS PRIOR(S) MUST BE F1, F2, OR F3, OTHERWISE SENTENCE IN CATEGORY 2 OR 3 § 13-704(D), (E)

\*\*\* 3<sup>RD</sup> OR MORE DANGEROUS/SERIOUS/VIOLENT/AGGRAVATED OFFENSE MAY BE MANDATORY LIFE, SEE § 13-706(A)(B)

DANGEROUS, REPETITIVE FELONY OFFENSES § 13-704(F)						
CLASS	2 <sup>ND</sup> DANGEROUS OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE			3 <sup>RD</sup> + DANGEROUS OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE		
	MIN. (P)	MAX.	INCREASED MAX.	MIN. (P)	MAX.	INCREASED MAX.
2	10.5	21	26.25	15.75	28	35
3	7.5	15	18.75	11.25	20	25
4	6	8	10	10	12	15
5	3	4	5	5	6	7.5
6	2.25	3	3.75	3.75	4.5	5.6

DCAC § 13-705									
	FIRST OFFENSE			ONE PREDICATE PRIOR			TWO PREDICATE PRIORS		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
13-705(A)		LIFE			LIFE			LIFE	
13-705(B)	LIFE/13	LIFE/20	LIFE/27	LIFE/13	LIFE/20	LIFE/27	LIFE/13	LIFE/20	LIFE/27
13-705(C)	13	20	27	23	30	37		LIFE	
13-705(D)	10	17	24	21	28	35		LIFE	
13-705(E)	5	10	15	8	15	22		N/A	
13-705(F)	2.5	5	7.5	8	15	22		N/A	

CAN GET LIFETIME PROBATION FOR SEX OFFENSE CH 14 OR 35.1, TERRORISM, STALKING, CHILD OR ADULT ABUSE 13-902(E).

<p><b>MANDATORY DOC OFFENSES</b></p> <ol style="list-style-type: none"> <li>DANGEROUS OFFENSES § 13-704</li> <li>SECOND OR MORE OFFENSE NOT ON THE SAME OCCASION § 13-703(H&amp;I)</li> <li>PROMOTING GANG ALLEGATION: +3 YR. [CLASS 4, 5, OR 6]; +5 YR. [CLASS 2 OR 3] § 13-714</li> <li>PROMOTING/ASSISTING HUMAN SMUGGLING +3 YR. [CLASS 4, 5, OR 6]; +5 YR. [CLASS 2 OR 3] § 13-715</li> <li>SOME DCAC (POSSIBLY FLAT &amp; CONSECUTIVE) § 13-705</li> <li>DRUG SALE OVER THRESHOLD (SEE EACH DRUG STATUTE)</li> <li>DRUG SALE IN A SCHOOL ZONE § 13-3411</li> <li>MFG. DANG. DRUG § 13-3407(E)</li> <li>COMMIT A NEW FELONY (EVEN IF NOT TERM 1 VIOLATION) OR CAUSE SERIOUS THREAT/DANGER TO COMMUNITY WHILE ON INTENSIVE PROBATION, IPS SHALL BE REVOKED § 13-917(B)</li> <li>THEFT OF OVER \$100,000 § 13-1802 (H)</li> <li>FRAUD SCHEME OVER \$100,000 § 13-2310</li> </ol>	<p><b>OFFENSES COMMITTED WHILE OUT OF CUSTODY § 13-708 NOT ELIGIBLE FOR RELEASE/NON-BONDABLE ON NEW CASE</b></p> <ol style="list-style-type: none"> <li><b>ON PROBATION OR PAROLE ON AZ PV CASE, REVOKE TO DOC &amp; STACK § 13-708(E)</b> <ol style="list-style-type: none"> <li>NEW DANGEROUS OFFENSE: AT LEAST PRESUMPTIVE, FLAT § 13-708(A)</li> <li>NEW DANGEROUS OFFENSE: IF UNDERLYING OFFENSE IS SERIOUS, SERIOUS INJURY, WEAPON AT LEAST MAX, FLAT &amp; POSSIBLY +25% § 13-708(B)</li> <li>NEW FELONY OFFENSE: AT LEAST PRESUMPTIVE § 13-708(C)</li> </ol> </li> <li><b>ON PRE-CONVICTION RELEASE/TASC</b> <ol style="list-style-type: none"> <li>ANY NEW OFFENSE: +2 YEARS PRISON § 13-708(D)</li> </ol> </li> </ol>
<p><b>METH RANGES</b>                  POSS. FOR SALE; POSS. OF EQUIP./CHEMICALS; MANUFACTURING; TRANSPORT FOR SALE: (MANDATORY FLAT TIME DOC) § 13-3407                  1<sup>ST</sup> OFFENSE § 13-3407(E) 5 - 10 - 15                  2<sup>ND</sup> OFFENSE § 13-3407(E) 10 - 15 -- 20</p>	<p><b>MANDATORY CONSECUTIVE SENTENCING</b></p> <ol style="list-style-type: none"> <li>PROBATION VIOLATION AFTER TRIAL CONVICTION § 13-708</li> <li>ESCAPE 1<sup>ST</sup> &amp; 2<sup>ND</sup> § 13-2503(B) - 2504(B)</li> <li>SEX TRAFFICKING UNDER 18 W/PROSTITUTION § 13-1307(C)</li> <li>SOME DCAC § 13-705(M)</li> <li>ANY FELONY WHILE IN PRISON § 13-711(B)</li> </ol>
<p><b>MANDATORY FLAT TIME</b></p> <ol style="list-style-type: none"> <li>SERIOUS/VIOLENT/AGGRAVATED FELONY W/2 PRIOR SERIOUS/VIOLENT/AGGRAVATED FELONIES § 13-706</li> <li>PRISONER ASSAULT W/INTENT TO INCITE/RIOT § 13-1207(B)</li> <li>SERIOUS DRUG OFFENSE § 13-3410</li> <li>DCAC 1ST DEGREE § 13-705, EXCEPT § 705(F)</li> <li>DANGEROUS/DEADLY ASSAULT BY PRISONER § 13-1206</li> <li>INVOLVING MINOR IN DRUG OFFENSE § 13-3409</li> <li>METH FOR SALE § 13-3407(E&amp;F)</li> <li>DANGEROUS COMMITTED WHILE ON RELEASE, PROBATION, OR PAROLE 13-708 (A&amp;B)</li> <li>ASSAULT W/ WEAPON ON A POLICE OFFICER 13-1204 (C)</li> </ol>	<p><b>FOREVER PRIORS § 13-105(22)</b></p> <ol style="list-style-type: none"> <li>DANGEROUS OFFENSE</li> <li>ILLEGAL CONTROL OF CRIM. ENTERPRISE</li> <li>AGGRAVATED DUI</li> <li>DCAC</li> <li>OFFENSE MANDATORY DOC, EXCEPT UNDER THRESHOLD DRUGS</li> <li>3<sup>RD</sup> AND MORE PRIORS</li> </ol>

DRUG THRESHOLD AMOUNT - § 13-3401(36)* **	
DRUG	THRESHOLD AMOUNT
AMPHETAMINE & METH	9 GRAMS (INCLUDING IN LIQUID SUSPENSION)
COCAINE	9 GRAMS (POWDER FORM); 750 MILLIGRAMS (ROCK FORM)
LSD	½ MILLILITER (LIQUID FORM); 50 DOSAGE UNITS (BLOTTER FORM)
MARIJUANA	2 POUNDS
PCP	4 GRAMS (POWDER FORM); 50 MILLILITERS (IN LIQUID SUSPENSION)
HEROIN	1 GRAM
OTHER UNLAWFUL SUBSTANCES	\$1000 VALUE

\* PROBATION REQUIRED FOR 1<sup>ST</sup> OR 2<sup>ND</sup> POSS OR USE OF DRUG AND PODP (EXCEPT METH), EVEN IF OVER THRESHOLD 13-901.01

\*\* OVER THRESHOLD AMOUNT OF DRUGS FOR SALE, PRODUCTION, OR MANUFACTURE REQUIRES DOC.

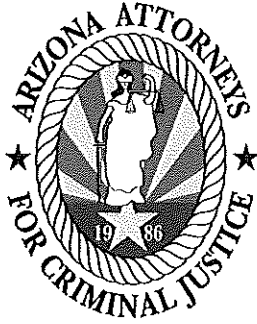
\*\*\* AGGREGATE AND PERCENTAGE AMOUNTS, SEE 13-3420

MULTIPLE DRUG OFFENSES BELOW THRESHOLD § 13-3419(A)(1)(2)*										
CLASS	2 <sup>ND</sup> DRUG OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE					3 <sup>RD</sup> AND SUBSEQUENT DRUG OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE				
	MIT	MIN	P	MAX	AGG	MIT	MIN	P	MAX	AGG
2	3	4	5	10	12.5	3	4	5	10	12.5
3	1.8	2.5	3.5	7	8.7	1.8	2.5	3.5	7	8.7
4	1.1	1.5	2.5	3	3.7	1.1	1.5	2.5	3	3.7
5	.5	.75	1.5	2	2.5	.5	.75	1.5	2	2.5

\* EXCEPT POM 13-3405(A1), PODD 13-3407(A1), POND 13-3408(A1)  PROBATION ELIGIBLE, 12 MO. JAIL POSSIBLE

MULTIPLE DRUG OFFENSES EQUAL TO OR ABOVE THRESHOLD § 13-3419(A)(3)(4)* **										
CLASS	2 <sup>ND</sup> DRUG OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE					3 <sup>RD</sup> AND SUBSEQUENT DRUG OFFENSE IN SAME COMPLAINT BUT DIFFERENT DATES OF OFFENSE				
	MIT	MIN	P	MAX	AGG	MIN	P	MAX	AGG	
2	3	4	5	10	12.5	4	7	12	15	
3	1.8	2.5	3.5	7	8.7	2.5	5	9	11.2	
4	1.1	1.5	2.5	3	3.7	1.5	3	5	6.2	
5	.5	.75	1.5	2	2.5	.75	2.5	4	5	

\* EXCEPT POM 13-3405(A1), PODD 13-3407(A1), POND 13-3408(A1) \*\* SEE ALSO SERIOUS DRUG OFFENDER 13-3410



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### House Ad Hoc Committee on Earned Release Credits for Prisoners October 19, 2019

#### Examples of Non-Violent Class 2 Felonies

- A.R.S. § 13-2310 – Fraudulent Schemes and Artifices
- A.R.S. § 13-2307 – Trafficking in Stolen Property
- A.R.S. § 13-1802(G) – Theft (value greater than \$25,000)

#### Examples of Non-Violent Class 3 Felonies

- A.R.S. § 13-2307 – Trafficking in Stolen Property
- A.R.S. § 13-1802(G) – Theft (value \$4000 or more, but less than \$25,000)
- A.R.S. § 13-1507 – Burglary in the Second Degree
- A.R.S. § 13-2009 – Aggravated Taking the Identity of Another
- A.R.S. § 13-1814 – Theft of Means of Transportation
- A.R.S. § 13-2316(A)(1) – Computer Tampering

#### Examples of Non-Violent Class 4 Felonies

- A.R.S. § 13-3406(A)(1) – Personal Possession of Prescription Drugs without a Prescription
- A.R.S. § 13-3407 (A)(1) – Personal Possession of a Dangerous Drug (e.g. Methamphetamine)
- A.R.S. § 13-3408(A)(1) – Personal Possession of a Narcotic Drug (e.g. Cocaine)
- A.R.S. § 13-1819 – Organized Retail Theft
- A.R.S. § 13-2008 – Taking the Identity of Another
- A.R.S. § 13-1805(I) – Shoplifting