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Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE CONCURRENT RESOLUTION 2028

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO BAILABLE OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article II, section 22, Constitution of Arizona, is proposed to be
4 amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 22. Bailable offenses

7 Section 22. A. All persons charged with crime shall be
8 bailable by sufficient sureties, except ~~for~~:

9 1. **FOR** capital offenses, sexual assault, sexual conduct
10 with a minor under fifteen years of age or molestation of a
11 child under fifteen years of age when the proof is evident or
12 the presumption great.

13 2. **FOR** felony offenses committed when the person charged
14 is already admitted to bail on a separate felony charge and
15 where the proof is evident or the presumption great as to the
16 present charge.

17 3. **FOR** felony offenses if the person charged poses a
18 substantial danger to any other person or the community, if no
19 conditions of release which may be imposed will reasonably
20 assure the safety of the other person or the community and if
21 the proof is evident or the presumption great as to the present
22 charge.

23 4. **FOR SERIOUS FELONY OFFENSES AS PRESCRIBED BY THE**
24 **LEGISLATURE IF THE PERSON CHARGED HAS ENTERED OR REMAINED IN THE**
25 **UNITED STATES ILLEGALLY AND IF THE PROOF IS EVIDENT OR THE**
26 **PRESUMPTION GREAT AS TO THE PRESENT CHARGE.**

27 B. The purposes of bail and any conditions of release
28 that are set by a judicial officer include:

- 29 1. Assuring the appearance of the accused.
30 2. Protecting against the intimidation of witnesses.
31 3. Protecting the safety of the victim, any other person
32 or the community.

33 2. The Secretary of State shall submit this proposition to the voters
34 at the next general election as provided by article XXI, Constitution of
35 Arizona.