



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, First Regular Session*

FACT SHEET FOR S.B. 1314

domestic violence; arrest; predominant aggressor

Purpose

Allows a peace officer to arrest only the predominant aggressor in a domestic violence situation. Outlines factors the officer must consider in determining whether one party is the predominant aggressor.

Background

Domestic violence is not generally categorized as a separate crime by Arizona law. Instead, the phrase refers to any of nearly two dozen crimes when committed between individuals who are related by blood or court order, reside in the same household, have a child in common or have engaged in a romantic or sexual relationship. The statutory definition of domestic violence encompasses a broad range of crimes and offenses such as murder, endangerment, threatening or intimidating, sexual assault or sexual misconduct, harassment, stalking, child abuse or vulnerable adult abuse. The penalties for domestic violence depend on the severity of the act, as well as the age of the victim and perpetrator, and range from a minimum class 3 misdemeanor to a maximum class 1 felony.

If an officer has probable cause to believe that domestic violence has been committed and that the person to be arrested has committed the offense, the officer may arrest the person. The arrest may be made whether the offense is a felony or a misdemeanor without regard to whether it was committed in the presence of the officer. In other circumstances, however, Arizona's mandatory arrest laws require officers responding to a scene of a domestic violence incident to make an arrest, even if the alleged victim does not desire it. Specifically, in a case of infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, an officer *must* make an arrest of a perpetrator who is 15 years of age or older, unless the officer has reasonable grounds to believe that the victim will be protected from further injury. In order to arrest both parties, the officer must have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense is not deemed to be an act of domestic violence (A.R.S. § 13-3601).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Specifies that an officer must have probable cause to believe each party has committed a *separate* act of domestic violence to arrest both parties.

2. Requires the officer to evaluate each alleged act of domestic violence to determine if either party was the predominant aggressor before arresting both parties.
3. Permits the officer, if the officer determines one party is the predominant aggressor, to choose not to arrest the other party.
4. Requires the officer to consider all of the following to determine if one party is the predominant aggressor:
  - a) previous domestic violence acts committed by either party;
  - b) each party's injuries and whether or not the injury was caused by an act of self-defense;
  - c) any coercive control behaviors;
  - d) the plausibility of each party's statements, in the presence of conflicting statements; and
  - e) any other relevant factors and available evidence, including any witness statements.
5. Defines *coercive control* as the controlling and psychologically destructive behaviors used by one person against another when the person exhibits a pattern of any of the following to intimidate or control the other person:
  - a) using language to demean, degrade or humiliate the other person;
  - b) restricting the other person's social activities or access to financial assets;
  - c) threatening suicide, injury to others in the household or injury to or separation from pets to obtain the other person's compliance;
  - d) threatening to harm, withhold or conceal children as a means of obtaining the other person's compliance;
  - e) using force or threats of force to impede the other person's attempt to report criminal acts to law enforcement, medical personnel or third parties; or
  - f) monitoring the other person's Internet and cell phone activities, telephone conversations or other communications.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.