



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

FACT SHEET FOR H.B. 2318

sentencing; repetitive offenders

Purpose

Requires specified offenders to be sentenced as a category one rather than a category two repetitive offender.

Background

A defendant must be sentenced as a repeat offender if the person is at least 18 years old or has been tried as an adult and is convicted of a felony and has a historical prior felony conviction.

*Historical prior felony convictions* include: 1) felony convictions, other than convictions for certain drug offenses, that mandated a prison term; 2) felony convictions that involved a dangerous offense, illegal control of a criminal enterprise, aggravated DUI or a dangerous crime against children; 3) convictions for class 2 or class 3 felonies committed within the past 10 years; 4) convictions for class 4, class 5 or class 6 felonies committed within the past 5 years; 5) all third or subsequent felony convictions; 6) convictions for felonies committed outside the state within the past 5 years; and 7) felony convictions that involved a dangerous offense committed outside the state ([A.R.S. § 13-105](#)).

A person convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or *are not* historical prior felony convictions must be sentenced as a first-time felony offender for the first offense, a category one repeat offender for the second offense and a category two repeat offender for the third and subsequent offenses ([A.R.S. § 13-703](#)).

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

Provisions

1. Requires a person convicted of multiple felony offenses that were not committed on the same occasion, that either are consolidated for trial or are not historical prior felony convictions, to be sentenced as a category one rather than a category two repetitive offender for a third and subsequent offense.
2. Contains an applicability clause.
3. Makes a conforming change.
4. Becomes effective on the general effective date.

FACT SHEET

H.B. 2318

Page 2

House Action

CJR	2/3/21	DP	9-0-0-0
3 <sup>rd</sup> Read	0/11/21		60-0-0

Prepared by Senate Research

March 9, 2021

JA/gs