



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: MAPS DPA/SE 13-1-1-0

HB 2485: ~~aggravated assault; ambush; police; classification~~

NOW: ambush; police; sentencing enhancement

Sponsor: Representative Payne, LD 27

House Engrossed

Overview

Increases the penalties for aggravated assault on a peace officer if the defendant is found to have lain in wait for or ambushed the peace officer while committing the assault.

History

A person commits assault if the person:

- 1) Intentionally, knowingly or recklessly causes physical injury to another person, which is a class 1 misdemeanor if committed intentionally or knowingly and a class 2 misdemeanor if committed recklessly;
- 2) Intentionally places another person in reasonable apprehension of imminent physical injury, which is a class 2 misdemeanor; or
- 3) Knowingly touches another person with the intent to injure, insult or provoke the person, which is a class 3 misdemeanor ([A.R.S. § 13-1203](#)).

A person commits aggravated assault by committing assault under one of many distinguishing circumstances. For example, a person can commit aggravated assault by committing assault against a certain type of professional, such as a peace officer, firefighter or health care worker. Aggravated assault can range from a class 2 felony to a class 5 felony depending on the circumstances ([A.R.S. § 13-1204](#)).

When a person is convicted of a non-capital felony offense, including aggravated assault, statute delineates several aggravating and mitigating factors which, if found to be true, the court must consider in either increasing or decreasing the applicable presumptive sentence. One such aggravating factor is lying in wait for or ambushing the victim during the commission of the underlying felony ([A.R.S. § 13-701](#)).

Provisions

1. Requires that a person who is convicted of aggravated assault on a peace officer, and found to have lain in wait for or ambushed the peace officer in committing the assault, be sentenced to two years more than what would otherwise be imposed for the assault. (Sec. 1)
2. Specifies that a person convicted of the aforesaid assault is not eligible for suspension of sentence or early release except in the cases of sentence commutation, earned early release credits and qualified personal leave. (Sec. 1)
3. Makes conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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