



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

FACT SHEET FOR S.B. 1029

felony murder; fentanyl; sentencing

Purpose

Classifies, as first-degree murder, causing the death of any person during the course of or immediate flight from an offense involving the possession for sale, manufacture or transportation of fentanyl.

Background

Knowingly transporting or offering to transport a narcotic for sale, including fentanyl, is first-degree murder if the amount being transported is in excess of the threshold amount and the person committing the offense or another person present causes the death of any person in the course of and in furtherance of the offense or in immediate flight from the offense. The current threshold amount for fentanyl or fentanyl mimetic substances is nine grams (A.R.S. §§ [13-1105](#) and [13-3401](#)).

A person is guilty of a class 2 felony if they knowingly possess a narcotic drug for sale, knowingly manufacture a narcotic drug, or knowingly transport a narcotic drug for sale ([A.R.S. § 13-3408](#)).

A class 2 felony for a non-dangerous offense carries a presumptive sentence of five years and a fine not to exceed \$150,000 to be determined by the court. A class 2 felony for a dangerous offense carries a presumptive sentence of 10.5 years and a fine not to exceed \$150,000 to be determined by the court. Felony murder is classified as first degree murder and is a class 1 felony punishable by sentence of life or natural life to be determined by the trier of fact and a fine not to exceed \$150,000 to be determined by the court (A.R.S. §§ [13-702](#); [13-752](#); and [13-1105](#)).

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

Provisions

1. Classifies, as first-degree murder, causing the death of any person during the course of and in furtherance of the offense or immediate flight from an offense involving the possession for sale, manufacture or transportation of fentanyl.
2. Becomes effective on the general effective date.

Prepared by Senate Research  
January 24, 2023  
ZD/KS/sr